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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

19 CR 725 (JPO)

5 LEV PARNAS and ANDREY KUKUSHKIN,

6 Defendants.
-----x

October 21, 2021
9:45 a.m.

8 Before:

9 HON. J. PAUL OETKEN,

10 U.S. District Judge
11 And a Jury

12 APPEARANCES

13 DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

14 BY: NICOLAS ROOS

15 ALINE FLODR

HAGAN SCOTTEN

16 Assistant United States Attorneys

17 LAW OFFICES OF JOSEPH A. BONDY

Attorneys for Defendant Parnas

18 BY: JOSEPH BONDY

19 LEAF LEGAL, P.C.

Attorneys for Defendant Parnas

20 BY: STEPHANIE SCHUMAN

21 GERALD B. LEFCOURT, P.C.

Attorneys for Defendant Kukushkin

22 BY: GERALD LEFCOURT

23 FAITH FRIEDMAN
24
25

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(In open court, jury not present)

THE COURT: Good morning, everyone.

We're here today, and on the schedule is the closing arguments of the parties. I have just handed out to all counsel a paper copy of the revised jury charge, and this reflects just slightly revised versions of the defense theories of the case that we received last night. You'll see that we just tweaked a couple of things. I don't think that we changed much. For example, from Mr. Bondy's version from last night, we changed knowingly and intentionally to knowingly and willfully, and I think you will see that basically everything is in there.

So any other issues with the jury charge that anyone has?

MS. FRIEDMAN: No, your Honor.

MR. BONDY: No, your Honor.

MS. FLODR: No, your Honor.

THE COURT: Any other housekeeping matters before we start?

MS. FRIEDMAN: I think there are. I think Ms. Flodr has them for all of us.

THE COURT: All right.

MS. FLODR: Your Honor, just so that the transcript is clear, there were a couple of government exhibits that your Honor received into evidence but were not marked in the

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1 transcript as having been admitted.

2 So for the government, that includes Government
3 Exhibits 602 and 603.

4 THE COURT: And those are per stipulation or those are
5 separate exhibits?

6 MS. FLODR: Those were separate exhibits.

7 THE COURT: 602 and 603 are admitted.

8 (Government's Exhibits 602 and 603 received in
9 evidence)

10 MS. FLODR: And then yesterday the defendant
11 Mr. Kukushkin offered and your Honor admitted A3, A4, A5, A6,
12 and A6A.

13 THE COURT: Yes.

14 MS. FLODR: And in addition, the government and the
15 defendant have agreed that a stipulation SD4 should be
16 admitted.

17 THE COURT: All right. So A3, A4, A5, A6, A6A and SD4
18 are admitted in evidence.

19 (Defendant's Exhibits A3, A4, A5, A6, A6A and SD4
20 received in evidence)

21 MS. FLODR: Yes, your Honor, and one further one is
22 B5.

23 THE COURT: B5 is admitted.

24 (Defendant's Exhibit B5 received in evidence)

25 THE COURT: Is that it?

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1 MS. FLODR: I believe so, but if we could confirm with
2 Ms. Friedman.

3 MS. FRIEDMAN: Yes, your Honor, I guess there's just
4 one question, do we need to address the exhibit that was marked
5 GX1 that was attached to the stipulation?

6 Your Honor, Defense Exhibit GX1 was annexed to
7 stipulation S11, and S11 was formally admitted by the
8 government as a government exhibit with that annexed. They
9 also admitted the GX1 as a government exhibit, I believe 755.
10 It's Mr. Kukushkin's naturalization certificate. As a result,
11 Defendant's Exhibit GX1 was never separately offered for a
12 third time and admitted.

13 We believe we addressed it clearly on the index, and
14 on the defense exhibit it's referred to as an attachment to
15 stipulation S11, but we wanted to make sure that was sufficient
16 for the Court and the record and that it was explained
17 properly.

18 It is in evidence, it's just stamped the as Defense
19 Exhibit G1, but it wasn't formally admitted as G1.

20 THE COURT: All right.

21 MS. FLODR: The only edit to that is it's stipulation
22 S12.

23 THE COURT: So basically that's part of the
24 stipulation that GX1 is admitted.

25 MS. FLODR: Yes, your Honor, G1.

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1 THE COURT: G1 is admitted, and I think we already
2 admitted stipulation S12. To be clear, that is in as well.

3 MS. FRIEDMAN: That's correct.

4 MS. FLODR: That's correct.

5 THE COURT: S12 and G1 are admitted.

6 (Defendant's Exhibits S12 and G1 received in evidence)

7 THE COURT: Any other preliminary matters?

8 MS. FLODR: No, your Honor.

9 THE COURT: Mr. Bondy?

10 MR. BONDY: No, thank you.

11 THE COURT: Ms. Friedman?

12 MS. FRIEDMAN: No, your Honor.

13 THE COURT: For summations, who is giving the
14 government summation?

15 Mr. Scotten?

16 MR. SCOTTEN: Yes, your Honor.

17 THE COURT: Do you want to make a prediction to how
18 long?

19 MR. SCOTTEN: It was an hour and 20 minutes when I did
20 it last night, but I will try to talk slower.

21 THE COURT: All right. And Mr. Bondy for Mr. Parnas?

22 MR. BONDY: Yes, your Honor.

23 THE COURT: Do you want to make a prediction to how
24 long?

25 MR. BONDY: Less than an hour and 20 minutes.

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1 THE COURT: And who will it be for Mr. Kukushkin?

2 MR. LEFCOURT: It will be me, your Honor, and I'm
3 guessing an hour.

4 THE COURT: All right. Thank you.

5 Are we ready for the jury?

6 MR. BONDY: Yes, your Honor.

7 THE COURT: We'll bring out the jury.

8 (Jury present)

9 THE COURT: Good morning, ladies and gentlemen. All
10 the jurors are here in the courtroom. You've heard and seen
11 all the evidence in the case, all the evidence that's being
12 admitted, which will be what you focus on in your
13 deliberations, and all the exhibits will be available for you
14 in the jury room when you deliberate as the jury in this case.

15 There are two final aspects to the trial as I
16 mentioned last night, or yesterday morning, actually, one is
17 the summations of the parties. As I mentioned before, the
18 arguments of the lawyers are not evidence, however, the lawyers
19 are welcome to, and indeed, it is their job to talk about the
20 evidence and reference it and argue to you about how you should
21 interpret and think about the evidence.

22 So we now have the summations of the parties. After
23 the summations or closing arguments of the parties I will
24 explain the law to you in detail to be applied to the facts as
25 you find them.

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Summation - Mr. Scotten

1 We'll now have the closing on behalf of the
2 government.

3 Mr. Scotten.

4 MR. SCOTTEN: Thank you, your Honor.

5 Good morning. Nine days ago Ms. Flodr stood here and
6 explained what the evidence in this case would show. Now
7 you've seen that evidence and you know what it shows: It shows
8 that the defendants are guilty.

9 You saw the agreement between Parnas and Kukushkin to
10 wire money from Andrey Muraviev to cover the donations that
11 Parnas and his partner, Igor Fruman, would make. You saw the
12 wires from Muraviev, who Parnas called big Andre, into New York
13 companies through bank accounts and loan agreements that never
14 mentioned Muraviev's name. Then you saw how that money came
15 out on the other side, finding its way into American elections
16 where the defendants thought they had bought political
17 influence to further their business.

18 Today, my job is to walk through that evidence and
19 explain how it matches up with the law.

20 What you're looking at here is just an outline of what
21 I'm going to talk about. You may remember at the beginning of
22 the case Judge Oetken said that the indictment has six counts.
23 You can think of them in two groups: The first for the scheme
24 to bring Muraviev's money into U.S. elections, and the second
25 for the crimes Parnas committed without Kukushkin when he

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Summation - Mr. Scotten

1 donated other people's money and then lied to the FEC in his
2 affidavit.

3 I'll also talk briefly about some of the claims that
4 the defendants made last time they spoke to you.

5 Count One is where we started the case. The
6 conspiracy to donate Andrey Muraviev's money to U.S. political
7 candidates, people like Wes Duncan, Adam Laxalt and Ron
8 DeSantis. We'll spend most of our time here today because a
9 lot of what we go through here will also apply to the other
10 crimes.

11 This is part of what I expect Judge Oetken will tell
12 you about what a conspiracy is. I'll let you read, but to be
13 clear, as the judge said, you will have all the judge's
14 instructions in chambers, so if I go too fast, don't worry
15 about it, you'll get them later.

16 I wanted to mention conspiracy first because people
17 think all kinds of things when they hear that word, but here,
18 all it means is an agreement to do something illegal.

19 Now in this closing I'm going to talk about the law a
20 bit, but if anything I say like the instruction I'm looking at
21 here, is different than what Judge Oetken says, it's what he
22 says that matters.

23 The next slide shows what are called the elements of a
24 crime. The elements are just the parts of a crime. If the
25 evidence proves each element beyond a reasonable doubt, then

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Summation - Mr. Scotten

1 the defendants are guilty of that crime.

2 And again, I will give you a second to look at these.
3 I will be talking about them for the next few minutes.

4 The first thing I'm going to talk about is an
5 agreement of two or more persons. It's clear as day there is
6 an agreement here. This is from Government Exhibit 25, a
7 WhatsApp chat that Kukushkin sent to Parnas, Muraviev and
8 Fruman earlier in the conspiracy. He said: An understanding
9 of the joint activities has been reached.

10 This is about two and a half months later when
11 Muraviev's second \$500,000 transfer was coming due and Fruman
12 wrote this to Kukushkin, Parnas and Muraviev: I am reminding
13 about our agreements.

14 This is about a month later than that, when Muraviev
15 reminded Parnas about their agreement dated at least back to
16 when they got together in Las Vegas: Hi Lyova. In Las Vegas
17 we agreed on the principles of our cooperation.

18 So it's clear that Parnas, Kukushkin, Muraviev and
19 Fruman had an agreement.

20 Next we need to talk about what the defendants agreed
21 to do. As Judge Oetken will tell you, the defendants are
22 guilty if they agreed to do any of these three things: Make at
23 least \$25,000 in contributions from a foreign national, make a
24 contribution in someone else's name, or defraud the FEC.

25 In fact, you saw the defendants do all three, and I

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Summation - Mr. Scotten

1 will go through that evidence one object at a time.

2 So the first of the three illegal goals was to donate
3 at least \$25,000 from someone who wasn't a U.S. citizen or
4 green card holder, meaning Andrey Muraviev. You know that was
5 something that these defendants agreed to do because you saw it
6 in their own words.

7 This is from the summary chart reflecting WhatsApp
8 messages between Kukushkin and Fruman. Kukushkin tells Fruman
9 that Andrey, that's Andrey Muraviev, will support with money.
10 So the first thing you can see is that this is an agreement
11 that Muraviev will give money. You see this in June right from
12 the beginning.

13 And by the way, you may have noticed those little
14 yellow stickers on the bottom of the screen. Those are exhibit
15 numbers. If I mention something to you and you want to see
16 more of it when you get back there, the exhibit sticker tells
17 you the exhibit number, so you can ask for it. So here, for
18 example the sticker says 1402, that's the number of the summary
19 chart that I spent a long time going through with Agent Casola.
20 If you want to see those charts that summarize the key evidence
21 in the case, you ask for Government Exhibit 1402.

22 Now this is less than three weeks after the last
23 message we saw on June 20. You may remember this chat when
24 Fruman sent all those pictures of himself and Parnas meeting
25 with famous politicians.

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Summation - Mr. Scotten

1 And how does Kukushkin respond? We need Andrey
2 because your guys are raking it in just for an appointment.

3 You know, in light of everything you saw in this case,
4 what that means. The politicians hanging out with Fruman and
5 Parnas were raking it in for a meeting. They're demanding
6 campaign contributions just to meet with them. So we need big
7 Andre's money.

8 You also saw it here in July when they confirmed their
9 agreement. I've highlighted the bottom and I will do that as
10 we go throughout this. Andrey Muraviev is the financial
11 resource. He is paying the bills. They actually sent this
12 same message four times, but here it is in Government
13 Exhibit 28 where it went directly from Kukushkin to Parnas, and
14 everyone knew what that money was for.

15 This is a chat from October 1st, after the first
16 \$500,000 was transferred, when they are fighting about who is
17 going to pay for Kukushkin's travel. How does Kukushkin refer
18 to that money? Existing donation funds. You saw that again
19 and again and again.

20 Here they are a week later, Parnas, Kukushkin and
21 Fruman all on the same page talking about money to give to
22 politicians, like the men they expect will be governor and
23 attorney general. After the 6th, nobody will need anything
24 else. Why? Because the 6th is Election Day.

25 If they are running a regular business that had

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Summation - Mr. Scotten

1 regular operations, they would need money all the time, but
2 they're not, because Muraviev's money is for contributions.
3 They only need it until November 6. After that, campaign
4 contributions aren't necessary.

5 And by the way, it's clear why they are doing this, to
6 get the licenses they need for their cannabis business, because
7 they want help from politicians.

8 You saw this in late October about two weeks before
9 Election Day. This chat is about the meeting with Daniel
10 Stewart. He was that cannabis lawyer that came here and
11 testified before you. Stewart told them that they missed
12 Nevada's licensing deadline. What did Kukushkin want to do?
13 Change the rules. They can't get licenses under the existing
14 laws, so they need new laws.

15 And who do they think can help them with that?
16 Kukushkin tells Parnas and Muraviev and Fruman: We need the
17 governor's approval. And you know who they think the next
18 governor will be: Adam Laxalt.

19 Here he is taking pictures with the defendants at that
20 Las Vegas fund raiser.

21 Who else do the defendants think they need help from?
22 The attorney general. You see that here in their chats. And
23 you know who they think the attorney general is going to be,
24 Wes Duncan.

25 Here he is standing next to Kukushkin at that rally in

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Summation - Mr. Scotten

1 Elko.

2 Of course, Nevada isn't the only place they wanted
3 help from politicians. You saw them mention a bunch of other
4 states, too.

5 Here is Kukushkin complaining that they have
6 contributed too much money not to have enough results. He
7 mentions four states, Nevada, New York, Jersey and Florida.
8 And you saw when states like California mentioned elsewhere
9 during this case.

10 Even when they fought about how much money they needed
11 from big Andre, there was no dispute about what that money was
12 for. Here's Kukushkin and Parnas talking on November 3rd, just
13 three days before the election. Kukushkin tells Parnas the
14 money was wired to Global Energy, Parnas' and Fruman's
15 corporate name, to cover all donations whatsoever. It is plain
16 as day that these defendants agreed to donate Muraviev's money
17 to U.S. political campaigns.

18 So the second illegal thing that the defendants agreed
19 to do was to make contributions in another person's name. And
20 that's going to look a lot like what I just talked about,
21 because when they agreed to donate Muraviev's money, they
22 agreed to do it under other people's names.

23 Here is one of the charts you saw. This is the
24 parties' stipulations as to donations that came in after June
25 when they agreed to support it.

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Summation - Mr. Scotten

1 Despite all of those donations and all of Andrey
2 Muraviev's money, you don't see Muraviev's name anywhere on
3 this chart. You see Fruman, Parnas and GDP.

4 Again, this is what Kukushkin said. He's writing to
5 Parnas: You are the one issuing them the checks, not me or
6 Andrey.

7 But who was the money supposed to benefit? Again,
8 here's Kukushkin and Parnas talking: We were supposed to tell
9 him that the checks from Global are indeed the donations from
10 us.

11 Ladies and gentlemen, you could not have a clearer
12 picture of a straw donation right here. He is saying: You
13 were supposed to give him the check in your name, but they're
14 supposed to know it benefits us. This is exactly what a straw
15 donation looks like. The purpose is to make big Andre's
16 business look good, but the money is not coming in under his
17 name. That's the second legal objective.

18 Here's the last: Defrauding the FEC. You learned
19 during in the case, if you hadn't known already, that the FEC
20 tracks campaign contributions and puts them on the internet.
21 So any voter can learn who is contributing to U.S. politicians.

22 Mike Hartsock, who works at the FEC, came and he
23 testified right there before you. This is part of what he
24 said: Without accurate information on the report we could
25 potentially miss identifying a violation of one of the federal

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Summation - Mr. Scotten

1 campaign laws.

2 And by the way, you will see at the bottom I have
3 given you the page in the transcript. Like the exhibit cites,
4 if you want to see where that is, you can get the written
5 record or ask to have it read back.

6 Those reports matter because the FEC uses them to
7 enforce the law. He also told you that the FEC uses them to
8 create a public website so anybody can see who is funding our
9 political campaigns. And he told you that if you went on the
10 FEC's website and you looked for Andrey Muraviev, you wouldn't
11 find anything.

12 In fact, this is the search he ran. Do you remember
13 he typed in Andrey Muraviev's name and printed out the result?

14 There are no results from Andrey Muraviev.

15 You know why that is. Because all the donations, like
16 these two donations here to Congressman Pete Sessions, had the
17 wrong name, so the FEC never had a clue. That's what it means
18 to defraud the FEC. The FEC is supposed to tell us who is
19 donating to our politicians, but it can't if defendants like
20 Parnas and Kukushkin lie to it.

21 So that's the first element. This element would be
22 complete if a defendant agreed with at least one person to do
23 at least one of these things. But you saw that at least four
24 people, Kukushkin, Parnas, Muraviev and Fruman, agreed to do
25 all three.

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Summation - Mr. Scotten

1 Now I'm going to go to the second element, that the
2 defendants acted knowingly and willfully. This is what I
3 expect the Court will tell you knowingly means.

4 Now I'm not going to spend any time on knowingly.
5 Each defendant obviously knew what he was doing. They weren't
6 sleepwalking or hallucinating when they spent months planning
7 to funnel Muraviev's money in the 2018 elections.

8 So I will pay a little more attention to willfully.
9 This is what I expect the judge will tell you there: An act is
10 done willfully if the defendant acted with knowledge that some
11 part of his course of conduct was unlawful and with the intent
12 to do something the law forbids, and again, not by mistake or
13 accident.

14 The defendants have to know they were breaking the law
15 in some sense, but I want to be clear about one other thing
16 Judge Oetken is going to tell you: It is not, however,
17 necessary for the government to prove that the defendant was
18 aware of the specific provision of the law that he is charged
19 with violating. Rather, it is sufficient for the defendant to
20 act knowing that his conduct is unlawful, even if he does not
21 know precisely which law or regulation makes it so.

22 If you think about it, that just makes sense. You
23 can't get away with breaking the law just because you can't
24 name the law that you're breaking. Otherwise, everybody could
25 get away with breaking the law. That means, and what we're

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Summation - Mr. Scotten

1 going to focus on here, is how the defendants just knew
2 generally they were doing something illegal. The defense
3 attorneys spent a lot time talking about willfulness, so I will
4 spend a little time, too. In fact, I will give you five
5 reasons that you know the defendants acted willfully.

6 The first reason you know that the defendants acted
7 willfully is so simple you might not even have thought about
8 it. Why isn't Andrey Muraviev listed on any of the donation
9 forms?

10 We just saw that the defendants agreed to donate his
11 money, and we know this was to benefit his business. If they
12 thought this was legal, why not just put his name on the forms?

13 Instead, they put Igor Fruman's name and Lev Parnas'
14 name. And these are just two of the many donation forms that
15 you saw, one for Duncan, I believe, and one for Fruman --
16 sorry, DeSantis.

17 But why would you go to all the trouble of lending the
18 money to Parnas and Fruman and then having them make the
19 contribution? Why didn't Andrey Muraviev just call Congressman
20 Sessions and say: Hi, I'm Andrey Muraviev, I'm a Russian
21 businessman, I would like to make donation to your campaign.

22 Isn't that what he would have done if he thought it
23 was legal? Isn't that what any of them could have done?

24 The whole point of a contribution is so the politician
25 likes you. It doesn't make sense to give money to a politician

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Summation - Mr. Scotten

1 in someone else's name.

2 I don't want that to get lost in a case about so much
3 bad behavior. We're going to talk about a lot of other stuff
4 but when people lie, they do it for a reason. It's unusual.
5 Most people don't lie. You have to think about what the reason
6 is they're not just putting Muraviev's name here.

7 And you saw that again and again. And when I say
8 "that," you saw the reason.

9 Here, is what Wes Duncan testified to: It's against
10 the law to take a donation from a foreign national.

11 This is Adam Laxalt's testimony: Not allowed to
12 accept donations.

13 This is Caroline Boothe, same thing.

14 All of the folks on the receiving end here testified
15 they knew they could not take donations from a foreign
16 national. If they knew the source was Muraviev, they wouldn't
17 have taken the donation, which would have defeated the whole
18 point of offering it. That's why the defendants didn't put
19 Muraviev's name on it, because it wouldn't serve any point.
20 They had to hide it.

21 The second reason that you know the defendants acted
22 willfully is that Parnas was told again and again that he
23 couldn't donate someone else's money and he couldn't donate
24 except from a citizen or legal permanent resident.

25 These are just some of the more than a dozen forms you

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Summation - Mr. Scotten

1 saw in this case where Parnas had to confirm that he wasn't
2 breaking the laws that he was breaking, right, as he was
3 filling out these forms. Some of these went straight to
4 Parnas, like this one. This is one of the first messages you
5 saw in this case when Wes Duncan started the long chain of
6 chats with Parnas.

7 What is on the bottom? It's a link to Duncan's
8 website. This website, the one where you could not donate
9 money unless you affirm that you weren't doing exactly what
10 Parnas was doing.

11 Here's another form just like that. This is for the
12 \$325,000 donation. You see Parnas' initials there.

13 Now you know that Parnas actually ordered Deanna
14 Van Rensburg to initial for him, but you also know that they
15 talked about this in detail.

16 Here is what she said.

17 She talked to him specifically about initialing this
18 form. And you saw that throughout her testimony. What
19 Van Rensburg did is what Parnas told her to do. And here it's
20 particularly clear that she talked to him about this because
21 the records also prove it.

22 On top, that's the email in which Parnas says to
23 Van Rensburg: Let's talk about filling this form out. On the
24 bottom, those are the phone records showing that the calls
25 Parnas was asking for. Happened just as Van Rensburg

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Summation - Mr. Scotten

1 testified.

2 Plus, some of the stuff was even found in Parnas'
3 house. This is what Special Agent Thomas testified about. You
4 remember she was the agent that led the search of the house.
5 She found this form in his home. It's Parnas' paperwork for
6 joining Trump's campaign finance committee. He's on the
7 committee. And this tells him in no uncertain terms that he
8 could not do what he did in this case.

9 And of course, you could not be warned more clearly
10 than this, also from the same form: Contributions in the name
11 of another person. No contributions are to be accepted from
12 someone that has received the funds from another person. It
13 does not matter if the funds are advanced or being reimbursed.
14 This prohibition is strictly enforced by the Department of
15 Justice, and any person or entity is subject to severe criminal
16 liability if it is discovered these types of contributions have
17 been made.

18 Ladies and gentlemen, he's on the President of the
19 United States Finance Committee and seeing these warnings again
20 and again. He's even being warned he will be prosecuted if he
21 didn't adhere to them. In fact, Parnas knew this rule so well,
22 he told other people about it.

23 This is what Joe Ahearn admitted during
24 cross-examination. Do you remember this part of the
25 examination? He's talking about a fellow named Greenspun -- it

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Summation - Mr. Scotten

1 says Greenspan, it was actually Greenspun -- about the problems
2 of taking money from him. Parnas is telling Ahearn that one of
3 the problems, as his testimony goes on, is it could be foreign
4 money. Of course, that would make the donation illegal.

5 But that fact, that Parnas knew this rule so well he
6 could teach others about it, doesn't just matter for Parnas.
7 Think about what it's going to tell you for Kukushkin.

8 This is another part of what I expect Judge Oetken
9 will instruct you: The fact that one person may be guilty of
10 an offense does not mean that his or her friends, relatives or
11 associations were also involved in the crime. You may, of
12 course, consider those associations as part of the evidence in
13 this the case and draw whatever inferences are reasonable from
14 the fact of the associations, taken together with all of the
15 other evidence in this case.

16 So that makes sense. Two people can associate for all
17 kinds of reasons and it doesn't make them guilty of each
18 other's crimes, but it could help you figure things out, like:
19 Are they talking to each other about what they're doing
20 together?

21 Parnas and Kukushkin chatted for months. They flew on
22 private jets and they went to campaign rallies together.
23 Kukushkin arranged for Parnas to get \$1 million for campaign
24 contributions.

25 If Parnas could tell Joe Ahearn to avoid a foreign

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Summation - Mr. Scotten

1 donor, what do you think Kukushkin and Parnas talked about
2 given Kukushkin worked for a foreign donor? You know exactly
3 what he told him.

4 This is very serious business. Here is a chat from
5 Parnas talking about that Vegas meeting, which, by the way, was
6 six weeks after Parnas and Fruman got hit with that FEC
7 complaint for doing straw donations. What do you think he's
8 telling Kukushkin and Muraviev about their plan to donate
9 Muraviev's money? That it's perfectly legal? That this is a
10 good idea? That we should do it in Muraviev's name? No, he is
11 telling them to be careful, it's serious business. They're
12 breaking the law. That's why they come up with this whole plan
13 to put it in in a way that you can't see it, because the whole
14 group knows what they're doing.

15 The third reason you know the defendants acted
16 willfully is that they read the news about their crimes while
17 they were committing those crimes.

18 Now you heard Kukushkin's attorney say in his opening
19 statement that Kukushkin is not a political person. And that
20 may be true. He may not read political news for fun like a lot
21 of people do. But he followed the news that mattered to him,
22 that mattered to his work for Muraviev.

23 You saw this earlier in the case. It's Kukushkin
24 sending Muraviev an article about legalizing American at the
25 federal level. Kukushkin may not care about politics, but he's

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Summation - Mr. Scotten

1 following the news for this stuff because he's interested in
2 it. He's interested in legalized marijuana.

3 The problem is you know what else he's interested in:
4 Illegal campaign contributions.

5 This is from August 4. Kukushkin sends Muraviev the
6 link to an article. What is the article about? Well, it's an
7 article about political donators, couple donors in specific,
8 Lev Parnas and Igor Fruman, right here in the article Kukushkin
9 sent to Muraviev. Why are they in the news? Because of a
10 Federal Election Commission complaint alleging that GEP, that's
11 the company name they're using, might be an illegal campaign
12 finance conduit created to mask the actual sources of its
13 political contributions.

14 They're in the news for making straw donations. That
15 is exactly what Kukushkin is planning to do with them, so of
16 course he knows it's a crime. He saw that Parnas has already
17 been accused of doing this and he gave his boss a heads up.

18 That's the third way you know the defendants acted
19 willfully. Parnas' crimes were so notorious, they made the
20 news, and Kukushkin shared that news with Muraviev.

21 And by the way, look at the rest of the article, too.
22 It tells Kukushkin that a spokesman for GEP denied the
23 allegations in the complaint. He claimed that it was a real
24 company and that the donation represents a small fraction of
25 GEP's operating costs.

LALTPAR1

Summation - Mr. Scotten

1 Now you know that's not true, but what matters here is
2 what Kukushkin read in terms of what has Kukushkin seen.

3 And think this about what this person doesn't say. We
4 think it's okay to make foreign donations. There's nothing
5 wrong with masking the true source of the funds. We thought
6 what we were doing was fine.

7 GEP denied this allegation because everyone knows it's
8 a crime, and so Kukushkin knew that, too.

9 The fourth reason you know the defendants acted
10 willfully is the obvious bad purpose of their acts.

11 Here's another part of what I expect Judge Oetken will
12 tell you about the law.

13 (Continued on next page)

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LALCpar2

Summation - Mr. Scotten

1 MR. SCOTTEN: Another way to define willfulness is
2 that a person acts willfully when he acts with a bad purpose to
3 disobey or disregard the law.

4 I'm going to start with something simple. This is the
5 evidence that neither defendant ever voted. Now, that's not a
6 crime, there is nothing wrong with that. There are lots of
7 good people who, for whatever reason, never make time to vote,
8 but most of those people probably don't spend their time going
9 to campaign rallies and donating tens of thousands of dollars
10 to politicians, but that is exactly what Kukushkin and Parnas
11 did.

12 You see them here at the Elko rally, acting like they
13 are diehard partisans when, in fact, they couldn't care less
14 about politics. And you saw plenty of other pictures of them
15 smiling with politicians they hoped to contribute to.

16 You know why they did it. Again, Kukushkin's own
17 words will tell you. "We do not pay for anyone's political
18 ambitions or lobbyists at all. We get a license, they get a
19 bonus." This is what he told Parnas and Fruman. He doesn't
20 want anything to do with politics. He's a businessman. He
21 just wants to pay off politicians for licenses.

22 Now, as you saw throughout this case, the way the
23 defendants used their money here was through contributions that
24 at least looked legal from the outside. But make no mistake,
25 the purpose behind this conspiracy was influence buying, and

LALCpar2

Summation - Mr. Scotten

1 it's going to get worse than that. Every time Kukushkin texted
2 or spoke with Muraviev, every time Fruman forwarded one of
3 Muraviev's chats to Parnas or the others, this is what they
4 saw. This is Muraviev's chosen image for himself, a picture of
5 someone mooning the Statue of Liberty, and Kukushkin is helping
6 this guy put a million dollars into U.S. elections? There is
7 no way Kukushkin doesn't know he's doing something with a bad
8 purpose.

9 Muraviev and Kukushkin were close. Here they are
10 celebrating together. No Parnas, no Fruman, no Correia. Think
11 about what happened after the Elko rally. After Muraviev and
12 Kukushkin got the tables saying they were going to donate to
13 Wes Duncan, Muraviev asked Kukushkin for another picture.
14 Here's one of the pictures that Kukushkin sends. It's Duncan
15 with the police chief. Kukushkin had something to say about
16 that, too. Kukushkin brags to his boss that they control the
17 whole state police, just in case, smiley face emoji. It
18 couldn't be clearer that Kukushkin knew he was acting with a
19 bad purpose.

20 That brings us to the final reason you know the
21 defendants acted willfully. The defendants tried to hide what
22 they did. This is like the first reason I talked about not
23 donating Muraviev's money under Muraviev's name, but it goes
24 further. The defendants didn't just avoid mentioning Muraviev,
25 they went out of their way to conceal his entire involvement

LALCpar2

Summation - Mr. Scotten

1 here. They used lies and tricks to hide what they knew was a
2 crime.

3 I'm going to start with the obvious one. We saw this
4 before, the Duncan website where they donated the \$10,000 to a
5 man they thought could help them get new marijuana licenses in
6 Nevada. When the defendants chose not to put Muraviev's name
7 on it, they still had to put something there, they to fill it
8 out, and they had to check that box. They chose to lie. They
9 put Igor Fruman's name there, even though they knew it wasn't
10 Muraviev. They chose to check a box saying they weren't
11 donating foreign money, even though they knew they were.

12 Now, to be clear, Kukushkin's not checking these
13 boxes. Parnas is ordering Van Rensburg to do that. He's not
14 the one making the donations. As he said, you - meaning
15 Parnas - are the one issuing the checks, not me and Andrey.
16 But he is the one who got Andrey's money to them, and at every
17 step of the way, he hid Muraviev's involvement.

18 These are the bylaws for SIG, Strategic Investment
19 Group, that's the company they formed to do the marijuana
20 business. The documents are signed by Correia and Kukushkin.
21 You could read this all the way through and you will never see
22 Andrey Muraviev's name mentioned anywhere, even though you know
23 he's funding it and it's his business.

24 The same is true here. This is a defense exhibit.
25 You see that sticker in the corner, it's blue, but all the

LALCpar2

Summation - Mr. Scotten

1 exhibits are the same, they're evidence. These are the
2 registration papers for what they later name SIG. Again, you
3 see Kukushkin, but no Muraviev, even though it's Muraviev's
4 company, not Kukushkin's. You know that was a deliberate
5 choice.

6 You may remember this email. Kukushkin is talking to
7 Correia and also a cannabis lawyer about how to set up their
8 company. The company, they just call it NewCo here, but that's
9 what's going to become Strategic Investment Group. Kukushkin
10 is thinking about how transparent to be with Muraviev's
11 involvement. What is he worried about? Muraviev's Russian
12 roots.

13 Now, Kukushkin knows there's a lawyer on this. He
14 can't just come out and say, we need to hide Andrey Muraviev's
15 Russian citizenship because it's going to make our campaign
16 contributions illegal. So he says something about political
17 paranoia, but you know that is just a cover. Why? Because
18 Muraviev was not hiding in places where it was legal for him to
19 be.

20 These are two forms of cannabis companies Brad Hirsch
21 set up for Muraviev and Kukushkin, companies that were not
22 involved in anything legal, not involved in these illegal
23 campaign contributions. There was no secret about Muraviev's
24 involvement in them. These defendants knew perfectly well how
25 to follow the law, and they did that when they were investing

LALCpar2

Summation - Mr. Scotten

1 in marijuana.

2 Here, you see Muraviev in an email circulated by
3 Kukushkin listed on the board of directors of a public company
4 in 2018, the same year as the crimes we're talking about. Why?
5 Because this company isn't doing anything illegal, so Kukushkin
6 isn't worried about listing Muraviev. There is nothing wrong
7 with being Russian and there is nothing wrong with selling
8 marijuana with a license. You just can't donate to American
9 politicians to get that license. So that's point 1. They're
10 hiding Muraviev where his participation makes what they're
11 doing illegal, and only there.

12 And here's point 2. Remember, it's not just illegal
13 to donate a foreign citizen's money. It's illegal to donate
14 under anyone else's name, even if that person could legally
15 donate themselves. This is part of what I expect Judge Oetken
16 will tell you about that, the law, no person shall make a
17 contribution in the name of another person. This is what
18 Kukushkin knew from that article we looked at a minute ago, GEP
19 might be an illegal campaign finance conduit created to mask
20 the actual source of its political contributions. So even if
21 Kukushkin thought that the problem with Muraviev being Russian
22 was just a political problem, not a legal problem, he still
23 broke the law by trying to hide that. The law says you have to
24 be honest about his donating so that Americans can know who is
25 giving thousands of dollars in our elections. When Kukushkin

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Summation - Mr. Scotten

1 tried to hide that to him, he broke the law he knew everything
2 about. And, of course, he didn't just keep Muraviev's name off
3 the corporate papers, he kept it off the money, too.

4 Here are the two loan agreements from Muraviev's
5 million dollars, each one for \$500,000. You may remember a bit
6 about that weird scheme. The money started in the foreign bank
7 accounts of the foreign companies owned by Muraviev. Then
8 there was a loan agreement and the money went not to Parnas,
9 not to Fruman, or even Global Energy, but to Fruman's brother's
10 company, which Deanna Van Rensburg thought sold baby food and
11 maybe also coffee.

12 But what are these loans for? For contributions.
13 This is the text Fruman sent about the first 500. He's the one
14 telling them, put the purpose of payment down as a loan, list
15 this as a loan. But what is it for? Access to New York and
16 New Jersey, states where they are seeking to get cannabis
17 licenses.

18 Here are the signatures on those loans, not signed by
19 Parnas or Muraviev. Signed by Igor Fruman's brother, Steve,
20 and two people you never heard of. Again, Andrey Muraviev is
21 nowhere on them. If you were lending out a million dollars,
22 wouldn't you want your name on the paperwork so you could get
23 it back? Not Big Andrey, he doesn't want his name anywhere
24 near this money. Remember, even after they set up Strategic
25 Investment Group to do their cannabis business, he doesn't send

LALCpar2

Summation - Mr. Scotten

1 the money there.

2 This is from the summary charts. Fruman had suggested
3 they should, he's telling the group, we've opened up the
4 company, let's wire the money to the new company we set up to
5 do our business together. That only makes sense where you send
6 the money if you were trying to hide something. Kukushkin
7 sends this to Parnas and Fruman, same thing. It should go
8 straight to our new company, right? His response, Fruman tells
9 Kukushkin he spoke to the other Andrey, which, of course, is
10 Big Andrey, and that he should use the old scheme to avoid
11 problems later. You remember what the old scheme was, that was
12 how the first \$500,000 got in, coming from those two foreign
13 companies into Steve Fruman's company and only then making its
14 way to the defendants, the way they got it.

15 How does Kukushkin respond to that? Does he say, what
16 problems? Does he say, why would we have problems later?
17 "Okay." Just "okay." He doesn't need an explanation for why
18 they need to avoid linking Muraviev to their company to avoid
19 problems later because everyone already knows, this company is
20 going to get its licenses by making big political
21 contributions - and those contributions are illegal if they can
22 be connected to Andrey Muraviev, which is why they can't just
23 do business in a straightforward way.

24 For example, Deanna Van Rensburg was the person
25 actually filling out all the forms on these donations and she

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Summation - Mr. Scotten

1 looked at Parnas's bank accounts and Fruman's bank accounts
2 every day, but she had no idea where this million dollars came
3 from. This is what she said, neither Parnas nor Fruman ever
4 told her where the million dollars she was using came from.

5 You can see this confusion more from Kukushkin's side.
6 I'll pause for a second, let you take a quick look. This is
7 part of a longer chat we saw when Van Rensburg reached out to
8 Kukushkin to try to get more money for a donation to Laxalt,
9 and you probably remember some of the more colorful parts about
10 people eating mushrooms and losing their minds, that's the same
11 chat.

12 But this is the interesting part, Fruman is telling
13 Kukushkin that Van Rensburg isn't involved in many situations,
14 she's not in the loop. Kukushkin is confused. He says, I
15 don't know your inner workings, that is he thinks Van Rensburg
16 is in on the secret that Global - that is GEP - is donating all
17 of Muraviev's money. That also explains why Parnas wanted to
18 avoid writing about all this over text messages. This is part
19 of the same argument a little later on, on October 30th, after
20 learning about the situation with Van Rensburg. "I don't want
21 to discuss everything over text."

22 Now, you may remember the defense attorney suggesting
23 that sometimes people want to text or they don't want to text
24 and they want to talk, and that's completely true, but you saw
25 Parnas chatting with these guys all the time. And here, Parnas

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Summation - Mr. Scotten

1 didn't even want to have a call either.

2 This, again, is from later in that same series of
3 chats about this. Kukushkin tells his boss, Parnas is in
4 hiding. He won't get on that conference call they were
5 planning. Why? Parnas isn't trying to have a phone call
6 rather than have a text exchange to work things out, he's
7 trying to avoid making a record of their crimes, which is
8 exactly what they were doing.

9 Here, again, is Kukushkin laying everything out. We
10 were supposed to tell him that the checks from Global are
11 indeed the donations from us, as in, we're making straw
12 donations.

13 Now, Kukushkin is in an encrypted chat and the only
14 other people on it are the members of the conspiracy, so it
15 seems like he feels safe enough, but Parnas knows better. He
16 knows that some day a jury - just like you - might see these
17 messages, and his frustration boils over.

18 What is crazy and stupid? Not the business plan
19 they've been working on for months, but Kukushkin writing out
20 plain as day exactly what made that plan illegal, that Parnas
21 is supposed to make donations in someone else's name to benefit
22 that person, not himself. That is far more than you need to
23 know that Parnas and Kukushkin acted willfully.

24 So that's the second element of these crimes, which
25 leaves the last one, what the law calls an overt act. This is

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Summation - Mr. Scotten

1 what I expect Judge Oetken will tell you that means. The term
2 overt act means some type of outward action performed by one of
3 the members of the conspiracy that furthers the objective of
4 the conspiracy. He'll tell you the act itself doesn't have to
5 be a crime, it could be something ordinary, but it has to
6 advance the crime. The idea is the conspiracy has to be more
7 than just talk. That makes this conspiracy particularly easy
8 to prove because you know the defendants put their plan in
9 action, you saw them do all kinds of things.

10 Here are just two examples. The one on top is the
11 wire receipt for the first \$500,000 transfer from Muraviev's
12 bank account to Fruman's brother's New York company and the one
13 on the bottom is about that big fundraiser for DeSantis on
14 October 3rd, the one they said will help them get a leg up in
15 doing business in Florida.

16 Now, you also saw donations to all kinds of candidates
17 and people going to meetings with politicians and so on.
18 Because the defendants put their plan in action, there are many
19 overt acts.

20 That is all three elements, the defendants are guilty
21 of Count One.

22 Now I'm going to go through the next crimes, but I'll
23 be able to go faster here because a lot of the same facts are
24 going to be relevant there.

25 The second count is solicitation of foreign donations.

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Summation - Mr. Scotten

1 Only Parnas is charged in this count. Solicitation just means
2 asking for something. Here, it means that Parnas was asking
3 Muraviev to make contributions to U.S. elections. This is what
4 I expect Judge Oetken will tell you. It is not necessary for
5 the solicitation to actually succeed or that a contribution was
6 actually made. Like the conspiracy, this count isn't about
7 actually making the donations. We'll get to the money going
8 into candidates' pockets in Count Three. Here the question is
9 just about asking Muraviev to contribute his money in U.S.
10 elections.

11 By the way, you may remember that most of the asking
12 was actually done by Fruman. On the chats you saw, he's the
13 one who is hounding Muraviev and Parnas to send the money.
14 That does not get Parnas off the hook, because Parnas helped
15 him do it because he was urging him to do it, because in some
16 cases he ordered him to do it, he is also liable. It's what
17 the law calls aiding and abetting, and this is part of what I
18 expect that Judge Oetken will tell you about aiding and
19 abetting.

20 To put it simply, the idea is, did Parnas help and did
21 he know what he was helping to do, did he know he was helping
22 with this crime. You know that from everything I just talked
23 through in Count One. We saw Parnas doing all this stuff.

24 So I'm just going to give you one more example here.

25 Actually, before I do that, I'm actually going to let

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Summation - Mr. Scotten

1 you see the elements. Now, you can see this looks a lot like
2 Count One, except that Kukushkin isn't here. As I said,
3 Kukushkin is not charged in this count. Parnas and Kukushkin
4 don't need to agree here. It's just about what Parnas helped
5 people do. Did he help ask for political contributions? As I
6 said, I'm not going to go through all the evidence we just saw
7 in that, but just give you one more example.

8 You may remember this series of texts and emails.
9 Correia, who worked for Parnas, sends him something called a
10 cannabis schedule and budget, asks him to look at it. Parnas
11 says it's good, send it to Igor Fruman. Correia listens to
12 Parnas, he attaches the cannabis schedule and budget and sends
13 it to Fruman. Parnas tells Fruman, this is good, send it to
14 them, Igor. Fruman listens, perfect, I'm going to send it
15 right now, and then he does. He sends the cannabis schedule
16 and budget to Kukushkin. This is the document Fruman sent, a
17 list of campaign contributions and a funding schedule. You
18 can't get any clearer than that. Parnas helps write a document
19 telling Muraviev to send all this money for campaign
20 contributions and even providing a funding schedule, then he
21 tells Fruman to send it to Kukushkin and Muraviev, and Fruman
22 does what he says.

23 There is also that second even more specific list that
24 had the individual candidates' names, which we'll talk about
25 later. But even just from this or all the evidence we talked

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Summation - Mr. Scotten

1 about in Count One, it is obvious that Parnas is helping to
2 solicit contributions from Muraviev. So that's the first
3 element.

4 You also know that Parnas was asking for that money
5 from a foreign national. This is what Madelyn Garcia, the
6 customs and border patrol agent told you. Muraviev openly
7 walks around as a Russian citizen. In fact, here is a picture
8 of Muraviev's passport. This was found on Kukushkin's phone.

9 You also know that Parnas was well aware that Muraviev
10 was Russian. In some way, we already talked about that on
11 Count One, it's the only reason they're not just donating
12 Muraviev's money under his own name, because the fact that he's
13 Russian is a problem.

14 But you also saw more direct proof of that here.
15 Parnas is chatting with Muraviev, in Russian, by the way, about
16 helping with something. You know who Ilona is. Agent Garcia
17 told you she was one of Muraviev's girlfriend's. In the end,
18 Muraviev tells Parnas that she was rejected, but that Muraviev
19 and his son got it. And what is it, what is the "it" that
20 Parnas was helping Muraviev with? A nonimmigrant visa.
21 Obviously, you don't need a temporary visa to come here if
22 you're a U.S. citizen or a lawful permanent resident. And
23 Andrey Muraviev, who lives in Moscow, speaks Russian with the
24 defendants, and needs Parnas's help with a visa for himself,
25 his son, and his girlfriend, he is Russian, which Parnas

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Summation - Mr. Scotten

1 obviously knew because he's the one chatting with Big Andrey
2 about this.

3 So that's the second element. Parnas knew the person
4 he was seeking donations from was a foreign national and not a
5 green card holder.

6 We can go through the remaining elements more quickly.

7 You saw many times that Parnas asked for a million
8 dollars to make contributions all for the 2018 elections. So
9 you know that's well over \$25,000. And you know Parnas did
10 this willfully for all the reasons we discussed in Count One,
11 and some I didn't even get time to talk about.

12 Parnas got that FEC complaint, too, the one that
13 Kukushkin read about, Parnas actually got it. He actually got
14 a complaint from the FEC about the crime he was committing
15 while he was committing with it with Muraviev and then he went
16 ahead and did it again.

17 Ladies and gentlemen, Parnas is guilty of Count Two.

18 The third count charges both defendants with actually
19 making the foreign contributions. And like the last count,
20 this is an aiding and abetting count. The foreign money
21 belongs to Muraviev, so he's the donor. The question is to
22 what degree Parnas and Kukushkin helped him make those
23 donations. And you know they did. In fact, Muraviev himself
24 didn't do a lot. He's sitting in Moscow throughout all of this
25 and it's Parnas and Kukushkin along with Fruman who are doing

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Summation - Mr. Scotten

1 all the work.

2 Let's look at the elements.

3 Now, as you can see, this looks a lot like the first
4 two counts, these aren't whole new areas. The big difference
5 is actually going to be what the dollar amount is about. In
6 Count One, the conspiracy, the question was just what the
7 defendants agree to do. In Count Two, solicitation, the
8 question was, what did Parnas help ask for. Here, the question
9 is, where did the money actually go, how much foreign money
10 actually ended up going to U.S. candidates. For that reason,
11 we're going to have to follow the money a little bit.

12 These are the donations at issue. I showed this once
13 already today, these are the donations from June on, a total of
14 \$156,000 donated in the names of Fruman, Parnas, and GEP. And
15 why from June on? Because that is when Kukushkin first
16 communicated or at least when we had the first evidence that
17 Kukushkin communicated of Muraviev's commitment to supply the
18 money, June 2nd, 2018.

19 And it's clear what Muraviev is committing the money
20 for. Again, this is the next chat exchange. Three weeks
21 later - and I mentioned earlier this morning - Fruman has just
22 sent a bunch of pictures of him and Parnas hobnobbing with
23 politicians. I have two of them here, but you know there is
24 actually about 20 pictures that he sent.

25 Kukushkin, who, as we said, doesn't really care about

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Summation - Mr. Scotten

1 politics, doesn't recognize anyone except Parnas and Fruman and
2 Donald Trump. Fruman jokes, if you got me, Parnas, and
3 Kukushkin, you don't need anybody else. And how does Kukushkin
4 respond? We need Andrey, too, because - I talked about this
5 before - all your guys, the politicians are raking it in just
6 for appointments and they need Andrey Muraviev's money to give
7 to politicians. So we know what Andrey Muraviev has agreed to
8 pay for. Fruman says, that goes without saying - this is the
9 same exchange - because that's what it's all about. Because
10 they said on June 2nd that Andrey would support this, and so
11 that date, June 2nd is when you know Muraviev has signed up to
12 fund these donations.

13 Now we're going to follow the payments from there.
14 This is going to be one of the charts who Kim Espinoza, who
15 testified a couple days ago, testified about.

16 Starting on the right, you see all the donations
17 Parnas and Fruman made in June and a little in early July after
18 Kukushkin told them Muraviev would support with money. They
19 made those donations using the American Express cards you heard
20 so much about, under the name of this company, F.D. Import &
21 Export, and that's Steve Fruman's company.

22 They ran up quite a bill on that Amex. There is a
23 \$495,000 balance on the Amex by September. \$136,000 of that is
24 the donations we're talking about here, but there is lots of
25 other stuff on there, too. Some of it may be part of this

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Summation - Mr. Scotten

1 scheme, like their airline tickets and hotel rooms in Vegas
2 when they went out to that fundraiser, but some of it is just
3 pure personal luxuries, like a \$4,000 golf outing. Then,
4 suddenly, on September 19th, 2018, they pay the whole bill off.
5 How do they do that? Because the day before they got a
6 \$500,000 transfer from Andrey Muraviev.

7 Now, for these \$136,000, it's easy to follow the
8 money. The reason you can do that here is because before the
9 \$500,000 come in, the account is basically empty. You see that
10 down here. Before that money shows up, there is only \$1,600 in
11 the F.D. Import & Export account. Another \$33,000 came in the
12 same day. That's still not nearly enough to pay for the
13 \$136,000 in donations. So you know those donations were paid
14 for by Andrey Muraviev's money, which, by the way, was exactly
15 the plan all along.

16 This is one of the screenshots of texts between Fruman
17 and Muraviev that Fruman then sends to the whole group. He's
18 telling Kukushkin now what Fruman and Muraviev had already
19 talked about. Fruman says, we handed out a lot. We had no
20 doubt that the funds would come according to the set schedule,
21 as in, we handed out the donations you wanted us to make, now
22 pay us back as we agreed. And to be clear, that is obviously
23 illegal.

24 This, again, is one of the rules that Parnas signed up
25 for when he joined Trump's finance committee. It does not

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Summation - Mr. Scotten

1 matter if the funds are advanced or being reimbursed. The news
2 even covered a similar crime a few months earlier. This is
3 from that newspaper article Parnas saw talking about how
4 someone else admitted crimes for trying to get around FEC rules
5 by using a straw buyer for tickets to the 2016 inauguration -
6 same scheme - right down to getting reimbursed from a bank
7 account in Cyprus. So of course it's illegal to go on a
8 donation spree knowing that Muraviev is going to pay your
9 credit bill, and that is exactly what you saw here.

10 We could stop following the money right there. We've
11 already talked about \$136,000, and this account is only about
12 \$25,000, but still I want to talk a little bit about the last
13 two donations you saw in this case, both on November 1st, the
14 two donations to Laxalt and Duncan.

15 Here they are. That's about 45 days after the credit
16 card bill is first paid off, and it's about 20 days after the
17 second \$500,000 comes in. Ms. Espinoza told you she could not
18 trace these funds from start to finish. This is what she said,
19 based on your review of records, is it possible to say what
20 payment paid off the credit card balance containing these
21 donations. It is not.

22 Now, you may remember why, unlike for the first
23 \$136,000, by October and then also in November and also in
24 December, there is too much money going in and out of the F.D.
25 Import & Export bank account. You saw that Strauss payment,

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1 which was quite large, come in, you saw other expenses going
2 out, and they don't pay off the credit card bill at least
3 during 2018 all the way.

4 So the financial records can't tell you which money
5 went where, but unlike Ms. Espinoza, you saw all the WhatsApp
6 chats and emails and you heard from the witnesses, so you know
7 exactly what was going on with that money.

8 I went through a bunch of that already, so I'm just
9 going to do a couple more here.

10 This is from the beginning of the case. Fruman sends
11 Kukushkin that voicemail that Wes Duncan left for Parnas,
12 remember we played that when Mr. Duncan was on the stand.
13 Duncan is reaching out to Parnas for a donation. Parnas and
14 Fruman pass that request right to Kukushkin.

15 Then they go to the rally, they go to the Vice
16 President Pence fundraiser, they go to the dinner with Laxalt
17 and Duncan and so on, we looked at all that already. Kukushkin
18 is impressed. This is what he sends to his boss. He brags to
19 Muraviev about their new friends who he says will help them
20 apply for licenses in Vegas - you know that's Duncan and Laxalt
21 - and, of course, he agrees to make contributions to the new
22 friends.

23 They had agreed to, as he puts it, a precise course of
24 action based on Igor's table. They've agreed to spend Andrey
25 Muraviev's money in a certain way. And you know exactly what

LALCpar2

Summation - Mr. Scotten

1 Igor's table was, this is part of it, it's that three-page
2 document that Parnas and Correia and Fruman made and then they
3 sent on to Muraviev and Kukushkin.

4 So Parnas and Kukushkin both agreed that some of their
5 money was committed - that's how the table puts it - to Laxalt
6 and Duncan. Does that mean Kukushkin and Parnas also aided and
7 abetted the donation to Duncan and Laxalt? Yes, of course it
8 does. Kukushkin sent money with the purpose of getting it to
9 Duncan. Duncan got that money because Parnas told Van Rensburg
10 to donate it to them using the same credit card and the account
11 that money Muraviev went into. The fact that once it was
12 inside that account, it mixed around with a bunch of other
13 money doesn't change anything.

14 And here's what Ms. Espinoza could conclude. Without
15 the million dollars from Intellect Capital and Nilder
16 combined - Muraviev's companies - would F.D. Import & Export
17 Chase account be able to pay for those two contributions and
18 the other debts for the period you looked at? No, it would
19 not. That is to say, there wasn't enough money in the account
20 to pay for everything, and you know that Muraviev's money came
21 in with the purpose of going back out to pay for folks like
22 Laxalt and Duncan. That is how it gets added into the \$156,000
23 that Parnas and Kukushkin smuggled into U.S. elections.

24 Now, before I go on, I do want to talk about one other
25 thing, the amount. You saw that Parnas didn't give anywhere

LALCpar2

Summation - Mr. Scotten

1 near the amount of money that he told Muraviev and Kukushkin he
2 was going to give. And if you remember, he actually did the
3 same thing on the other side. He told Duncan and Laxalt he was
4 going to give them a whole bunch of money, too, and had to
5 hound him and chase him, and in the end, he donated far less
6 than that.

7 Put simply, Parnas is ripping everybody off. You saw
8 the same thing with the contributions on the front end, from
9 the first \$500,000, just to take one example, it's another line
10 from that chart. This one says they gave \$250,000 total to Ron
11 DeSantis on October 3. But you saw the reality, they only gave
12 \$50,000 to DeSantis and they did it way back on June 22nd.

13 Now, that October 3rd date wasn't pulled out of thin
14 air, however. It's the date Parnas did an event for DeSantis.
15 This is Parnas's chat to the group - Kukushkin, Muraviev,
16 Fruman - announcing the event on October 3rd, they're going to
17 do a fundraiser for DeSantis. And Fruman also told the group,
18 that is part of this project. This is from the summary chart,
19 it's on October 3rd, that day, Florida became ours forever.

20 You see, unlike Laxalt, Duncan, and Sessions, with
21 DeSantis, the group's candidate actually got elected, and how
22 did Parnas and Kukushkin react? You remember these pictures
23 and this at the very end of the summary charts, DeSantis wins,
24 Parnas celebrates. The group chats about how now they'll get
25 the license they want based on what, why do they think that?

LALCpar2

Summation - Mr. Scotten

1 The \$50,000 of Muraviev's money that Kukushkin and Parnas
2 steered to friends of Ron DeSantis following the plan they all
3 agreed to.

4 Now, did Parnas get the \$250,000 the chart says? No.
5 Did he lie about the date? Yes, probably trying to get
6 Muraviev to send him even more money. But what's clear is that
7 Parnas and Kukushkin secretly steered this \$50,000 into a U.S.
8 election and that, too, therefore, is part of the \$150,000 of
9 illegal donations you saw.

10 So that's Count Three. Muraviev donated directly and
11 indirectly by paying off the credit card used to fund these
12 donations and by giving a million dollars that made it possible
13 for Parnas and Fruman so that they could keep making these
14 donations.

15 The donations totaled well over \$25,000. We saw the
16 right figure is \$156,000. We know that from following the
17 money and from what the defendant said about the money. You
18 saw how Parnas and Kukushkin helped get money from Muraviev's
19 company to American politicians by everything from Kukushkin
20 arranging wire transfers to Parnas ordering Van Rensburg to
21 make donations. So that is aiding and abetting, they helped.

22 And did they do it willfully? Did they know why they
23 were doing it? Did they know they were doing it to further
24 this crime? Yes, we just looked at an hour now worth of text
25 talking about what the exact purpose of all this was. The

LALCpar2

Summation - Mr. Scotten

1 defendants are guilty on Counts One, Two, and Three, Two is
2 just for Parnas. That's going to leave us only the counts for
3 Parnas alone.

4 Count Four is for the straw donations Parnas did with
5 Fruman's money, not Muraviev's. These are the ones Kukushkin
6 is not involved in. And here are the elements.

7 Now, if this looks familiar, it should be. It's the
8 same elements of Count One. It's the same charge. It's
9 another conspiracy count. We're just missing one of the
10 objects. The foreign donor object isn't here because Fruman is
11 not a foreign donor. The crime is that Parnas just conspired
12 with Fruman to donate Fruman's money in Parnas's name and to
13 defraud the FEC go by doing that.

14 There are two donations at issue here, there is one
15 for \$11,000 to Protect the House and there is one for \$325,000
16 to America First. I'm going to talk a lot about that \$325,000
17 donation in Counts Five and Six, so right now I'm just going to
18 do the \$11,000 donation.

19 Here it is. This is the email confirming it. It's in
20 Parnas's name on June 29th to a group called Protect the House.
21 The next line is going to be the stipulation showing that
22 donation actually happened. You see at the bottom I put a red
23 box around it.

24 There is also another donation on the same page I want
25 to show you. It's a little higher in red. This one in Igor

LALCpar2

Summation - Mr. Scotten

1 Fruman's name 17 days earlier for \$50,000. Why does that
2 matter? It matters because it helps you understand why this
3 money had to be in Parnas's name. If you remember, Protect the
4 House is one of those groups that takes in a bunch of money and
5 then splits it up amongst several candidates. A donor gave to
6 Protect the House and then it split it up.

7 This is just part of the list of how Fruman's \$50,000
8 donation got divided.

9 So, for example, by giving \$50,000 to Protect the
10 House, Fruman gave \$2,700 to Kevin McCarthy. He was the
11 congressman you heard about. That matters because, as you
12 heard several witness say, the most any candidate could accept
13 in 2018 was \$2,700. Igor Fruman can't legally give any more
14 money to McCarthy. Any more donations under Fruman's name will
15 get flagged by the campaign and reject it. But, here's another
16 \$2,700 going to McCarthy under Parnas's name, also through
17 Protect the House, which would be fine if it was Parnas's
18 money, but you know that it's not.

19 This is what Deanna Van Rensburg told you. Out of
20 those sources did - here she's talking about the money for the
21 \$11,000 - were any of them Lev's money? No, none of them were
22 Parnas's. And the records prove it couldn't have been his.

23 We're to follow Ms. Espinoza's analysis again.

24 On top, in red, is the \$3 million loan for mortgaging
25 Igor Fruman's condo. That's the loan that Neil Ross testified

LALCpar2

Summation - Mr. Scotten

1 about. \$1.26 million is proceeds. If you remember, Ross told
2 you the rest went to taxes and to pay off another loan, but the
3 money doesn't go into Fruman's account, it goes into Parnas's
4 account. Parnas directed it there at the last minute, with
5 Fruman's agreement. You can track it easily enough. That's
6 because the account had less than \$4,000 in it before Fruman's
7 mortgage money got there. That means almost all the money in
8 Parnas's account is Fruman's. So when \$100,000 goes out of
9 that account, you know it's still the Fruman money, and you can
10 keep following it from there into the GEP account.

11 Again, here the reason you can be confident about the
12 money tracing is the GEP account is empty before that money
13 arrives. So, again, you can follow the money all the way
14 through. Balance was zero dollars before June 29th when the
15 Fruman mortgage money arrives. So the only money here is
16 Fruman's, which is exactly what Van Rensburg testified. Then
17 \$11,000 goes out on June 29th - still has to be the Fruman
18 mortgage money - and where does it go? To Protect the House in
19 Lev Parnas's name, even though you can tell, and
20 Ms. Van Rensburg knew at the time, that money all came from
21 Fruman.

22 Ladies and gentlemen, what you are looking at here is
23 a picture of a straw donation. Those green lines you can see,
24 you can think of them like straws or conduits, as the FEC
25 sometimes calls them. You can watch the money flow through

LALCpar2

Summation - Mr. Scotten

1 them all the way through Fruman's mortgage until it ends up at
2 Protect the House, as Van Rensburg testified.

3 None of these contributions are made with Parnas's
4 money. Again, she's looking at their bank accounts all the
5 time. This is why a candidate like McCarthy could take it. He
6 can't tell it's Fruman's money, so he just takes Parnas's
7 words, it comes in under Parnas's name. You know his words are
8 false because you saw the records and you heard from the
9 witnesses.

10 Let's go back to the elements.

11 You know that Parnas and Fruman agreed, Neil Ross told
12 you about that, Deanna Van Rensburg told you about that, the
13 money would go into Parnas's account and then Deanna
14 Van Rensburg told you that Parnas and Fruman were partners in
15 all of this.

16 You know one of the things they agreed to do was
17 obstruct the FEC. This is actually a direct example of that.
18 Twice the amount of money that's supposed to go to McCarthy
19 gets to him because they put it in under two different names,
20 even though it's all Fruman's money.

21 Now, you will notice here that there is no checkmark
22 next to that first block from "make political contributions in
23 the name of another," and that's because there is a \$25,000
24 floor on that. Again, you have to see \$25,000 in money, and
25 the only donation we've talked about so far is \$11,000, so

LALCpar2

Summation - Mr. Scotten

1 we're going to have to come back to that after we do the 325.
2 But, as I expect Judge Oetken will tell you, Parnas is guilty
3 if he agreed to either one of these two things, since we
4 already saw the \$11,000 to the FEC, we know that element is
5 satisfied.

6 We also know that he acted willfully and knowingly for
7 the same reasons we've already talked about, and we also know
8 there were overt acts. We just got done talking about them.
9 Parnas ordering Van Rensburg to wire that \$11,000 was an overt
10 act, so was transferring the money through all those accounts
11 so it would get from Igor Fruman's mortgage to Kevin McCarthy's
12 campaign under Lev Parnas's name. Parnas and Fruman had agreed
13 to donate money under the wrong name, and that defrauded the
14 FEC. Ladies and gentlemen, Parnas is guilty of Count Four.

15 The last two counts both concern Parnas's lies to the
16 FEC. The counts aren't exactly the same, but they're about the
17 same facts and they look a lot alike, they're both about the
18 affidavit. So for these two we're going to go through the
19 facts first then talk about the different elements a little
20 later.

21 It starts when Parnas told Deanna Van Rensburg to make
22 that \$325,000 contribution to America First. She told you
23 that, like all the other donations, she made it as Parnas
24 directed and she also told you where it came from. This is the
25 loan we just talked about, the refinance of Igor Fruman's

LALCpar2

Summation - Mr. Scotten

1 condo.

2 We'll go through Ms. Espinoza's tracing again.

3 Like the \$11,000, you start with the loan to Seafront
4 Properties, but Parnas said was for some investment in a
5 European oil project, not a political contribution. There,
6 again, is the \$1.26 million, it's supposed to go to Seafront,
7 the company that owned the condo, but then is switched to Aaron
8 Investments.

9 From there, Parnas had Van Rensburg send \$325,000 to
10 America First. This is her testimony. It's the money from
11 Igor Fruman's mortgage into Aaron Investments. That was also
12 confirmed by the financial records. You'll notice that at no
13 point does this money pass through anything belonging to GEP.
14 GEP doesn't have a bank account, but there's no property, there
15 is nothing. The only thing here that says GEP is the wire
16 reference, which is how Parnas had it described, because Parnas
17 told America First that's who the money came from, from him.
18 That's how it gets recorded as a donation.

19 Here's the donation form. You can see it's donated in
20 the name of GEP and it is for \$325,000. Of course Parnas wants
21 credit for it. He's listing himself as the point of contact,
22 the CEO, and the cofounder.

23 But then someone noticed that this money didn't come
24 from GEP, that it looked like a straw donation, and they filed
25 a complaint with the FEC. This is the key part of that

LALCpar2

Summation - Mr. Scotten

1 complaint, that Parnas had made straw donations, that he made
2 donations under the name of another person. You know that's
3 true, but what matters for these two counts is how Parnas
4 responded to the complaint.

5 Evan Preminger, who is that lawyer who notarized the
6 form, testified about it. Here is his signature next to
7 Parnas's on the affidavit. Preminger explained that he helped
8 Parnas put together a response for the complaint. Part of that
9 was an affidavit from Parnas. As Preminger explained, the
10 affidavit is a crucial part of the response because it lays out
11 Parnas's version of the facts for the FEC. The lawyers put
12 together the affidavit based on what Parnas told them, then
13 Parnas read it and signed it, saying that he swore it was true.
14 But it's not true. Parnas wasn't giving the FEC the facts,
15 because the facts would show his guilt.

16 Now, you'll see the affidavit actually has a lot of
17 falsehoods in it, but the indictment focuses on just two, and
18 so that's what I'm going to go through.

19 Here's the first. Parnas swears under penalty of
20 perjury that the \$325,000 donation was made with GEP funds for
21 GEP purposes. As you just saw, that's literally impossible.
22 There were no GEP funds. GEP didn't even have a bank account
23 when it made this donation. This money went from Igor Fruman's
24 mortgage through Lev Parnas's bank account to America First.
25 At no point did those funds come from anything that looked like

LALCpar2

Summation - Mr. Scotten

1 GEP, at no point did they go through anything that looked like
2 GEP. This is a false statement.

3 Now, I want to talk a bit about the defense opening on
4 this. You may remember Mr. Bondy telling you that perhaps GEP
5 was a startup, that maybe it didn't have money or bank accounts
6 or assets and hadn't done anything yet, but there is nothing
7 wrong with starting off a company with money from someone's
8 mortgage.

9 Here's the problem with that, if that is what Parnas
10 believed, he could have put that in his affidavit. Why doesn't
11 the affidavit say GEP is a startup, although it doesn't have
12 any assets, we think ha Igor Fruman's mortgage can count
13 because we plan to use that to start up our company and so, we
14 didn't do a straw donation.

15 If you think what you're doing is legal, you can be
16 honest about it, but that is not what the affidavit says.
17 Instead, here's what Parnas said, or part of it. Since making
18 this donation, GEP has continued to pursue numerous
19 opportunities and expand our operations. Collective cost of
20 these activities have exceeded \$1 million and has been paid out
21 of our bonafide capital investment. GEP has expanded its
22 operations and it spent another \$1 million from its initial
23 capital investment?

24 To start, you know the numbers don't add up, because
25 if you add a million dollars to the \$325,000, you're already

LALCpar2

Summation - Mr. Scotten

1 over the \$1.26 million they're trying to call their initial
2 capital investment. So Parnas is just making these numbers up.

3 But what's more important, there are no expanded
4 operations or activities. You heard Deanna Van Rensburg
5 describe GEP. They have no office. Just her and a driver.
6 What do they spend a million dollars on? As you heard, they
7 aren't even paying her salary.

8 And think about what Agent Thomas found when she
9 searched GEP's supposed headquarters, Parnas's house. Based on
10 your observations, did it appear that an energy company was
11 being run out of that residence? No. A team of FBI agents
12 combed through the supposed corporate headquarters, but they
13 didn't find any indication of an energy company, not even a
14 home office energy company being run there. Remember, they're
15 executing a search warrant, they're looking through documents,
16 they're seizing electronic devices. If there is any kind of
17 energy company operating there, Agent Thomas would have known,
18 but there wasn't any such thing.

19 And this is what Ms. Espinoza saw in the bank records.
20 She didn't see any charges for energy beyond gassing up a car.
21 The bank records also don't give any indication that GEP is
22 involved in energy.

23 And again, let's look at what Parnas told the FEC in
24 his sworn affidavit. Contrary to the assertions in the
25 complaint, GEP is a real business enterprise funded with

LALCpar2

Summation - Mr. Scotten

1 substantial bonafide capital investment. Its major purpose is
2 energy trading, not political activity.

3 I want to focus on that last sentence. Parnas says
4 GEP's major purpose is energy trading, not political activity.
5 You remember Deanna Van Rensburg's testimony. Mr. Roos and
6 Mr. Bondy spent hours with her talking about political
7 contributions. Even Mr. Bondy wanted to talk about what GEP
8 might have done, he just showed pictures of meetings.

9 Do you remember her testimony about energy trading? I
10 won't blame you if you didn't. If you blinked, you would have
11 missed it. Did you ever see anything that led you to believe
12 that Global Energy Producers was doing energy trading? No.

13 Now, remember Mr. Bondy tried to remind her of all
14 kinds of meetings and maybe you saw a memo, but this is Global
15 Energy Producers' full-time employee, she's the one who's doing
16 everything for them. She's looking at their bank accounts and
17 she couldn't even remember it doing energy trading. You cannot
18 square that with Parnas's affidavit.

19 If its major purpose is energy trading, would you
20 think that its only secretary, the FBI agent who searched its
21 headquarters, or the accountant who reviewed its financial
22 records would have seen some sign of that? Not even one out of
23 three did.

24 This sworn claim by Parnas isn't just a lie, it's the
25 exact opposite of the truth. The evidence you saw in this case

LALCpar2

Summation - Mr. Scotten

1 confirmed that the major purpose of GEP was political activity,
2 not energy trading, if it did any energy trading at all.

3 Which brings us to one more. This is the \$2,700
4 donation to Pete Sessions we talked about earlier. It's made
5 in Parnas's name, but it's using Fruman's money. I want to
6 focus on the last part. Parnas is telling, swearing, actually,
7 to the FEC that he reimbursed the Amex card used for the
8 Sessions donation. Why is he saying that? Because the
9 Sessions donation is in his name. So if it's not his money,
10 it's another straw donation. But you know that it wasn't
11 reimbursed.

12 Here's what Kim Espinoza testified. She didn't see
13 any sign that Parnas reimbursed Fruman, no trace in the bank
14 records.

15 Deanna Van Rensburg also told you she didn't see that.
16 Remember, she's looking at the bank accounts day by day. She's
17 going to know if there is a reimbursement. She said she was
18 not aware of any reimbursement Parnas made for this specific
19 contribution. Parnas didn't reimburse Fruman. The records and
20 Van Rensburg's recollection show it clearly. So that's another
21 lie.

22 Now that we talked about the lies, I'll go through the
23 elements in the last two counts.

24 These are the elements for Count Five, making false
25 statements. We just talked about Parnas's lies in the

LALCpar2

Summation - Mr. Scotten

1 affidavit, those are the statements, so you know that element
2 is proven.

3 Now, the second element is something called
4 materiality. This is what I expect Judge Oetken will tell you
5 about that. As to the second element, a material statement or
6 representation is one that has a natural tendency to influence
7 or is capable of influencing a decision or a function of a
8 government agency, including the FEC. However, proof that the
9 FEC actually relied on the statement is not required.

10 Would these lies be capable of influencing the FEC?
11 Of course they would. Parnas is telling the FEC nothing wrong
12 happened here, that there were no straw donations because it
13 really was GEP's money, because GEP is a real business, and
14 that he paid off the credit card used for the Sessions
15 donation. And what is he being investigated for? Straw
16 donations. He's telling them he didn't do exactly what they're
17 looking into. That makes thee lies material.

18 You also know Parnas acted knowingly and willfully
19 here. The affidavit told him that he was breaking the law if
20 he lied, and you remember Mr. Preminger told him that, too, and
21 then he went ahead and signed affidavit with these false
22 statements.

23 Is this matter within the jurisdiction of the
24 government? Yes, it's obvious that the FEC is part of the
25 government and I expect that Judge Oetken will tell you that.

LALCpar2

Summation - Mr. Scotten

1 Parnas is guilty of Count Five.

2 Now we'll just do the elements on Count Six.

3 Here, the count is for falsifying documents. As you
4 can see, this is why it's so similar to the prior count. The
5 falsified document is the affidavit. So it's the same false
6 statements as before.

7 Parnas obviously acted knowingly. He knew exactly
8 what he was doing when he lied about exactly the things he knew
9 the FEC was investigating and he intended to influence the
10 FEC's investigation of him. The lies in the affidavit were
11 designed to make it look like there were no straw donations.
12 That's what the complaint was about. Parnas is guilty of Count
13 Six.

14 And, by the way, the facts we just talked about also
15 complete the other object of Count Four, that straw donation
16 count against Parnas for using Fruman's money, it's going to go
17 back to those elements really quickly.

18 We already talked about the \$11,000 Protect the House
19 donation, spent a little time on that. That was enough to
20 convict because it defrauded the FEC. The \$325,000 donation
21 defrauded the FEC, too, but because it's way over \$25,000, it
22 satisfies the other element, for making contributions in the
23 name of another person.

24 Ladies and gentlemen, Parnas and Kukushkin are guilty
25 of every charge against them.

LALCpar2

Summation - Mr. Scotten

1 We have to talk very quickly about something called
2 venue. It's going to be very short. Judge Oetken is going to
3 instruct you about the law here, but what it comes down to is
4 there has to be some connection to the Southern District of New
5 York. You heard about a bunch of things happening here, like
6 the money coming into that New York company, F.D. Import &
7 Export, or signing the loan in the New York restaurant. And so
8 the parties have stipulated, they've agreed, the defendants
9 have agreed that this is the correct place to bring the case.
10 You can see the stipulation here. You'll have it in evidence.
11 It's one of the last things we offered during our case.
12 Everyone agrees this is where the case can be brought.

13 So all I have to do now is talk very quickly about a
14 few points where we disagree.

15 Now, the burden of proof is on the prosecution and
16 only us, the defendants don't have to do anything, but when
17 they do make arguments or make claims, it is your job to see if
18 they hold water. In this case, they offered evidence and they
19 made arguments, and so I'm just going to take a few minutes to
20 discuss. I'm not going to go through everything. If I had to
21 go through every time the defendants told you something and
22 then the evidence came out the opposite way, I would be here
23 for another hour and a half. I'm just going to choose a couple
24 examples.

25 You may remember in his opening statement, Mr. Bondy

LALCpar2

Summation - Mr. Scotten

1 told you – and I'm quoting now – Mr. Preminger, the notary who
2 signs it, he'll tell you he never saw it. And then Preminger
3 testified and it turned out to be the opposite. This is part
4 of what Preminger said. Did Parnas see the affidavit? Yeah,
5 he showed up in the office with Fruman and Correia, he showed
6 his driver's license, and he signed it. Stuff like that
7 happened all the time.

8 Mr. Lefcourt told you this whole story in his opening
9 statement about how Kukushkin reached out to Fruman in Ukraine,
10 looking for help with a business venture. And then the whole
11 trial passed and you never heard about anything about what
12 Kukushkin did in Ukraine at all.

13 Mr. Bondy told you in his opening statement, Parnas
14 didn't work in fundraising. Turns out that he's on the
15 president's finance committee, he offers to bundle for all
16 kinds of people, and his company, GEP doesn't seem to do
17 anything but fundraising.

18 The defense attorneys promised you the evidence would
19 show the facts, and the evidence showed the opposite of the
20 facts they claimed. So if one of the defendants tells you that
21 there is a fact, demand evidence, demand an exhibit or a
22 transcript that they show you that says exactly what the
23 lawyers argue.

24 The same is true for their overall stories. In their
25 opening statements, each defendant gave you a different version

LALCpar2

Summation - Mr. Scotten

1 of the facts. Kukushkin told you how this case was about the
2 theft of \$1 million, how Parnas and Fruman didn't think much of
3 Kukushkin and they stole from him. Parnas told you that he
4 decided Kukushkin was a bad businessman and decided to walk
5 away from the cannabis venture. There was an element of truth
6 there.

7 This is one of the documents that was offered
8 yesterday by the defense. And I'll give you a minute to read
9 it if you want. I apologize for the small type.

10 This is the email Mr. Lefcourt quoted in his opening,
11 and it does sound like they don't think Kukushkin or Muraviev
12 are good businessmen. You see I highlighted part of that here.
13 Although, unlike what Mr. Lefcourt told you, it doesn't sound
14 like Correia - who, by the way, is the one who wrote this - is
15 planning to rip anyone off. "I think Kukushkin is a really
16 good guy, but he needs a lot of help." They don't think much
17 of him as a businessman, but this does not sound like some plot
18 to rip him off. Who says that about somebody they're plotting
19 against?

20 But the more important point is it doesn't even matter
21 if they were. The question in this case is not whether the
22 defendants committed crimes against each other, it's whether
23 they committed crimes against the United States.

24 So, sure, Parnas certainly spent Muraviev's money on
25 whatever he wanted. Here's a credit card bill for that \$4,000

LALCpar2

Summation - Mr. Scotten

1 golf outing I talked about. And that also got paid off by
2 Muraviev's money. It was lumped in with that \$136,000 in
3 political contributions.

4 And the defendants did argue. Here, again, is this
5 argument we talked about before where Kukushkin is complaining
6 that the million dollars he had already sent to Global was
7 supposed to be enough for the donations, but Parnas is
8 threatening to walk away.

9 Ladies and gentlemen, none of this is a defense.
10 Think about what they are fighting about. Kukushkin is
11 complaining that he already sent Parnas a million dollars and
12 Parnas is still asking for more money. If you remember, this
13 was to give more to Laxalt. That is not a defense.

14 Kukushkin bargained for a million dollars worth of
15 crime. Now, it's true, he only got about \$150,000 worth of
16 crime, but that is still a whole lot of crime. This is not a
17 defense, it's an admission. He's telling you he went into
18 business with criminals and he didn't get all the crime he paid
19 for. And Parnas, claiming he'll just walk away after taking a
20 million dollars from Andrey Muraviev? Again, that helps you
21 know he's in a criminal conspiracy. The whole reason he can
22 make this threat is because he knows they're breaking the law.
23 Parnas knows Muraviev and Kukushkin can't call the police and
24 say, Lev Parnas stole a million dollars of my money. He can
25 have Muraviev's companies try to collect on that loan, and I

LALCpar2

Summation - Mr. Scotten

1 think you may see some evidence of that, but he can't just say
2 I wanted all my money to go to politicians and they only gave
3 \$150,000. That's an admission, too.

4 Ladies and gentlemen, these defense claims were a
5 distraction, an attempt to get you to look at the disagreements
6 between the defendants on things that don't matter rather than
7 the clear agreement to commit a crime.

8 And you saw that agreement. There was an agreement to
9 bring Andrey Muraviev's wealth and corruption into American
10 politics, to make all kinds of donations through the names of
11 people other than the real donor so that the voters would never
12 know whose money was pouring into our elections. But you did
13 find out. You saw the evidence in this case. You saw the
14 chats and the wires, the donations and the agreements, and they
15 showed, as Ms. Flodr said, secret foreign money infiltrating
16 American elections.

17 You know the defendants are responsible. Hold them
18 accountable. Return the only verdict consistent with the law,
19 the evidence, and your common sense — the defendants are
20 guilty.

21 Thank you, your Honor.

22 THE COURT: Thank you, Mr. Scotten.

23 Ladies and gentlemen, you've now heard the closing
24 argument of the government and each of the defense counsel will
25 have an opportunity to present a closing argument. Would you

LALCpar2

Summation - Mr. Scotten

1 like to take a 10-minute break?

2 MR. BONDY: I would, your Honor.

3 THE COURT: I would, too. We'll take a 10-minute
4 break, folks. I'm going to ask you to leave your pads on your
5 chairs once again. Please go back to take a break and we'll
6 resume in 10 minutes.

7 Court will be in recess for 10 minutes.

8 (Recess)

9 (Continued on next page)

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LALTPAR3

Summation - Mr. Bondy

1 (Jury present)

2 THE COURT: We have the jury back in the courtroom.

3 Ladies and gentlemen, we'll now have the closing on
4 behalf of Mr. Parnas.

5 Mr. Bondy.

6 MR. BONDY: Thank you, your Honor.

7 Good morning, ladies and gentlemen. Thank you for
8 being here today and for all of the days that you've been here.

9 I want to let you know it's an extraordinary privilege
10 to be able to stand in front of you on behalf of Lev Parnas.
11 And today, in our closing argument, I'm going to walk you
12 through the evidence as we see it. I want to respond to some
13 of the things Mr. Hagan said, and I want to start, as I did in
14 my opening, with a story.

15 I will say it's very challenging to put a person's
16 life into one speech. It's very challenging to put a human
17 being into one argument, but we're going to try.

18 Now I'm reminded of the story of a Shaolin monk who
19 was living in China at the base of a mountaintop, and he would
20 look during the days at the top of the mountain and he would
21 say: I wonder what it looks like at the top of the mountain.
22 I wonder what it looks like.

23 And travelers would come and travelers would go, and
24 he would ask the travelers: What is it like up there? What
25 did you see? Tell me. And they all said to him: Well, we saw

LALTPAR3

Summation - Mr. Bondy

1 this, and we saw that, and we saw the other.

2 And one day he decided that he would go and try to
3 take the walk up to the mountaintop himself. And he stood on
4 the mountaintop. And when he got there, he realized no one
5 else could explain to him what they saw, no one else could can
6 explain to him how they felt, no one else could replace his
7 judgment.

8 And I say this because it's the same with you here
9 today. Your judgment is not my judgment, it's not
10 Mr. Scotten's judgment, it's not the Court's judgment, it is
11 your judgment from the vantage point of being yourselves on the
12 top of that mountain.

13 I can't tell you which way to go. I can't tell you
14 what to do. It's your journey, but we're going to let it
15 reign.

16 I want to talk to you about the evidence in this case.
17 I want you to remember that emotions aren't evidence,
18 assumptions aren't evidence, and theories aren't evidence. An
19 opening statement is not evidence, a closing argument is not
20 evidence. These are the statements of advocates. These are
21 the statements of people who have points of view on each side.

22 We have done our best. I don't have a bunch of
23 graphics. I will speak to you with my mouth and my heart. We
24 have done our best to try to do what we thought was important
25 to bring to you the defense, to show you the reasonable doubts

LALTPAR3

Summation - Mr. Bondy

1 in this case that we told you we would try to show you from the
2 very beginning when I talked to you about walking through the
3 forest and turning the stones and turning the logs and seeing
4 what's on the other side. Because you don't know a person, you
5 don't know a man or a woman until you know all of the sides.

6 Now it is also very tough, I will say it to you, I
7 never tried a case from inside of a bubble. I have never tried
8 a case inside of a bubble while wearing a mask and big glasses
9 that fog all the time, and I fear I might not be able to convey
10 to you some of the essence that I think is important in
11 defending a person.

12 But these are questions here. It's not a money
13 judgment case, a civil case, we're not seeking a money judgment
14 here, we're talking about a person's freedom, one human being's
15 freedom. And the judge will tell that you punishment is not
16 your concern that, sympathy is not your concern, and we don't
17 want you to treat with Mr. Parnas with sympathy. He doesn't
18 want your sympathy. He wants a verdict based upon the facts
19 and the law, not sympathy.

20 He's lucky enough and we're lucky enough to be viewed
21 as equal parties to the government of the United States of
22 America in this courtroom. And there are very few other places
23 in our country -- and use your common sense, because we want
24 you to take that which is in you and apply here. Your common
25 sense isn't elsewhere, it's not outside of you, it always is in

LALTPAR3

Summation - Mr. Bondy

1 you. But there are very few places in our country today where
2 people really stand equal before the rule of law. We might not
3 have the resources or the agents or the power that the
4 government has, we don't have a badge or some imprimatur of an
5 eagle, but we have equality in this room.

6 So in America, no matter how infrequent our trials
7 have become, no matter so rare we have these criminal trials
8 where people actually stand up and hold the government to their
9 burden, we have a core right to say that we're not guilty, to
10 demand that the evidence be shown, to bring it into a courtroom
11 and to confront our accusers, to be heard or not heard, and to
12 then have a verdict rendered based upon those truths.

13 Unfortunately, it takes a great degree of fortitude to
14 do sometimes. It shouldn't take courage to exercise our
15 rights. Sometimes it does.

16 I want to start out, I got a few things to say about
17 Mr. Hagan and his representations. The Statute of Liberty, the
18 picture of the Statue of Liberty, and he interpreted it for
19 you. There's a picture of a person mooning the Statue of
20 Liberty. So what? You have a right to speak, think, feel, do
21 what you want, as long as you're not hurting people.

22 But has the promise of liberty been fulfilled for
23 everyone here? Is that not a reason for some people to want to
24 moon the Statue of Liberty? Does that statue mean the same
25 thing for everyone? Is it the symbol of hypocrisy for many of

LALTPAR3

Summation - Mr. Bondy

1 us? Is it like a statue of Jefferson or Washington or
2 Christopher Columbus? You can love America and you can still
3 see the false promises. But to stand up here and point out a
4 picture of the Statue of Liberty to you and tell you it means
5 some terrible thing. When people speak out in America, it's a
6 good thing.

7 Mr. Parnas has sat here silently this whole time. He
8 waited a long time to be here, far longer than nine days. He
9 had his home raided. You saw that. He has had evidence seized
10 from every device he owns. He has had people that he worked
11 for chased after by the government and questioned, people he
12 spoke to in Washington queried, people put under immunity
13 grants because they were afraid they might have done something
14 wrong who then come to court and tell you they didn't think
15 they did anything wrong at all. But it's very hard to sit
16 there and listen to people say things about you and not be able
17 to speak up.

18 You will issue a verdict today or tomorrow or whenever
19 you may come to some point of unanimity, if ever. But whatever
20 the verdict is, it's going to go well beyond these walls, it's
21 going to go well beyond the courtroom halls, it's going to go
22 out into the street and into the air and become a piece of our
23 history.

24 And the question is not going to be: Did we get here
25 on time? The question is going to be: Does your verdict

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Summation - Mr. Bondy

1 bespeak justice? Does it honor our law? Does it protect a
2 person who is presumed innocent until such time, if ever, there
3 is proof beyond a reasonable doubt that they did something?

4 You are the very last defense for Mr. Parnas.

5 I'll sit down, and then your work will begin. And it
6 is one of the greatest privileges and prides that a person in
7 the United States can have. It's terrible to sit in judgment
8 over a person, but it's so precious at the same time. Use your
9 power as you would like to have that power used in having a
10 loved one of yours judged.

11 Before I get into our evidence, I will say in America
12 sometimes we don't know the value of things until they're gone.
13 And may we never in our country lose the ability to be here and
14 have a trial. May we never ever have the fear of having a
15 trial and standing there without just a fear of being judged
16 itself, penalized for being on trial. It's scary enough.

17 In any event, we selected you to be Lev's jury. We
18 knew you for ten minutes. We asked you some demographic
19 questions. I wrote about you on Post-its, I wrote about you on
20 Post-its. We selected you because of things we thought we felt
21 about you and saw in you that would help us, that you would
22 understand.

23 What's the evidence in this the case? What did you
24 see? You saw that Lev Parnas is a guy who actually had some
25 good ideas. He was well over his head, but he had some pretty

LALTPAR3

Summation - Mr. Bondy

1 good ideas. Cannabis, marijuana, prohibition, the war on
2 drugs. His passion and interest in attempting to bring a
3 message of legalization right into the President's lair took a
4 lot of courage. And it was a good idea. It remains a good
5 idea and it will be a good idea until that fight is done. He's
6 been doing it for a long time.

7 Lev also had no experience or training with liquid
8 natural gas, but he knew at the time there was a Trump -- the
9 article Mr. Hagan talked about, The Daily Beast article that
10 the Court admitted merely for state of mind, and he wants to
11 tell you that it's for truth, but what you see in terms of
12 state of mind, there is a Trump-era policy that still exists to
13 attempt to get liquid natural gas from America to Europe as a
14 way to undermine Russia's ability to have a stranglehold over
15 liquid natural gas. It was a policy. He didn't know about
16 energy. But if you think about it, what he did to try to
17 effect that goal was really kind of creative and powerful. And
18 had it worked, it would have had significant implications for
19 our country, and certainly it would have benefited him.

20 But again, he was in well over his head. He had no
21 experience with pipelines. He had no experience with tankers.
22 He has no knowledge about liquid natural gas. But he could put
23 together a plan with Igor Fruman, a wealthy businessperson who
24 was willing to put up the bone fide capital investment, the
25 seed capital for a start-up business.

LALTPAR3

Summation - Mr. Bondy

1 I don't know if anyone had a start-up business and you
2 want to look to an investor to get capital and you have
3 nothing, you don't have an office and you don't have a staff
4 and you don't have a contract. I remember when I was looking
5 for my first client. It's real hard. It doesn't mean that
6 what you're doing is fake.

7 Now the cannabis stuff. Legalization, advocacy,
8 activism. That doesn't mean you know how to run a marijuana
9 business. It doesn't mean that you understand the nuances of
10 it. It doesn't mean that you understand what it might really
11 take to make something work.

12 And in Nevada, what did you have to look for?
13 Adequate size for a structure, a diversity in equity and
14 inclusion plan, sufficient financing to compete in a closed
15 market and to try to win an application against other
16 applicants that were in invariably going to have more resources
17 than you.

18 It's not just paying a bribe. The government says pay
19 a bribe and now we're going to have a marijuana business.
20 That's nefarious. That's not what the legal marijuana industry
21 is about in this country: Some criminality, you pay a bribe
22 and you get a license. It's far more complex than that. It's
23 like any other normal business except those businesses still
24 can't take tax deductions. They're still stigmatized by people
25 that are looking at federal marijuana laws and trying to

LALTPAR3

Summation - Mr. Bondy

1 enforce them against state legal operators.

2 Now the evidence showed that you Nevada was just not a
3 good place for Lev Parnas and Mr. Kukushkin and Mr. Muraviev
4 and Mr. Fruman to try to have a cannabis license. So that
5 venture was abandoned.

6 GEP. This is all the evidence in the case: The money
7 for Global Energy Producers came from a U.S. citizen taking out
8 a loan on their home, like you might take out a loan, and
9 deciding through their freedom of choice how they wanted to
10 spend it, what they wanted to do with it, as is their right.
11 It was a bone fide capital investment. That's what the
12 evidence shows you. If you have a doubt about that or a
13 question about that, and it's reasonable, you have to acquit.

14 Now it wasn't just this money, the \$325,000 that was
15 paid to America First Action that constitutes the money that
16 went into Global Energy Producers at all. You saw \$100,000
17 flow from the Aaron Investment account to GEP. You saw a
18 credit card bill that had many cost associated with GEP. And
19 the money, it's very simple, flowed from his business partner's
20 lawyer, the lawyer who did this refi with special instructions
21 from Mr. Fruman into the Aaron Investment account that
22 Mr. Parnas and his wife happened to have that had peanuts in it
23 because they didn't have a lot of money.

24 But the money went in there, and immediately went to
25 America First Action. There was an urgency about it. That's

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Summation - Mr. Bondy

1 what Ms. Van Rensburg conceded to you. There was an interest
2 in getting the money paid quickly over to America First Action
3 at a time when there just wasn't a Global Energy account. If
4 there had been a Global Energy bank account in place, maybe we
5 wouldn't be here.

6 But what we had instead was a contribution form that
7 identified Global Energy Producers LLC as being the donor with
8 Lev Parnas' home address, the address that reflected the search
9 that supervisory Special Agent Thomas executed on his home.
10 His name and his title. He was proud of being involved in GEP.
11 Mr. Fruman was proud of what they were trying to do. There was
12 no effort to hide anything whatsoever. There was no effort to
13 make a donation in the name of another person whatsoever.

14 We saw pictures of planes, we saw texts about jets, we
15 saw bills about travel and hotel costs and a sushi bill for
16 \$450. Are these businesses expenses? And they reasonable?
17 What happens in your business? Does anyone travel? Does
18 anyone eat? Does anyone pay staff? Does anyone have expenses?

19 Now there was no willfulness. There was no knowledge.
20 There was no violation of the federal election laws that way.

21 There are plenty of reasonable doubts on this GEP
22 count, which is Count Four. And I will tell you why I started
23 there instead of Count One, because temporally, time-wise,
24 that's the first count. GEP is the first count in the case,
25 remember this, and the first contact that Mr. Parnas has with

LALTPAR3

Summation - Mr. Bondy

1 the strangler figs I told you about in the opening. The
2 fundraisers will come and strangle you and suck whatever they
3 can out of you. And you saw this repeatedly, whether you are a
4 candidate dunning someone for money or Mr. Ahearn asking for
5 donations, or Ms. Boothe, I don't know, maybe you could put it
6 on a credit card but it's better if it's on two. All the
7 strangler figs.

8 Now in terms of this conspiracy to solicit money from
9 a foreign national, Andrey Muraviev, and make contributions,
10 it's just absurd.

11 Let's talk about some of these facts. There's a loan
12 that's received on September 17 -- or 18, excuse me, of 2018,
13 and that loan pays off the FD Export credit card bill of
14 \$495,000 pretty much the same day it goes into the account.
15 The FBI's own forensic accounting expert couldn't tell you if
16 it was an autosweep or not. That bill contained expenditures
17 for donations that had been made by Mr. Parnas 86 days and 105
18 days earlier.

19 I asked Ms. Espinoza, and she told us, as a forensic
20 accountant for the FBI, that the transactions involving
21 Mr. Parnas had been June 6, June 25, three months before any of
22 this loan, the first \$500,000 loan was made, well before there
23 was ever any real agreement of any sort to provide Mr. Fruman
24 funds for any reason, and well before -- Mr. Scotten knows
25 about it, it was in evidence, but he neglected to tell you --

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Summation - Mr. Bondy

1 the ten minute and 30 second phone call between Mr. Fruman and
2 Mr. Muraviev that they had without Mr. Parnas or Mr. Kukushkin
3 present in August of 2018. That phone call came at a time that
4 was consistent with those two men, wealthy Mr. Fruman and
5 wealthy Mr. Muraviev, talking about a loan.

6 Now what the judge will tell you about this first loan
7 and those first payments -- this is what I expect the judge is
8 going to tell you: He will tell you that a promise of
9 reimbursement must have been a causal factor to the
10 intermediary's decision to make the contribution attributed to
11 him. In consequence, it's a defense, right, a defense for us,
12 that the intermediary made up his mind to make the contribution
13 in question prior to the time that the true contributor made
14 his reimbursement promise, and so it is a defense to this
15 charge that Mr. Parnas made up his mind and that those
16 donations were paid before there was ever any kind of an
17 agreement with Mr. Muraviev, and the government knows it.

18 Not only was there no agreement to solicit
19 contributions from a foreign national when these donations were
20 made, there's also a reasonable doubt that any of
21 Mr. Muraviev's October 16, 2018 loan money ever went towards
22 paying the \$10,000 contributions to Adam Laxalt and Wes Duncan
23 that Igor Fruman made.

24 Those were contributions made by Mr. Fruman on
25 November 1st of 2018, remember? They were paid on an AmEx bill

LALTPAR3

Summation - Mr. Bondy

1 on December 24, 2018. And the government's own forensic
2 accountant, again, Madelyn Espinoza got on the witness stand
3 and told you that she was unable to tell you whether a penny of
4 the monies from Muraviev went to pay those donations. She
5 couldn't tell you she had a doubt. There is a gap. If you've
6 got a doubt and it's reasonable, you must acquit.

7 Furthermore, I said this briefly before, but the
8 notion that there's a criminal plot to put a million dollars --
9 take a million bucks and plow it into political candidates that
10 are opposed to marijuana legalization -- I know, I have a great
11 idea, I will take money and give it to Adam Laxalt, he can help
12 me in my cannabis venture. Wes Duncan will help me with my
13 cannabis venture. These people look at marijuana as the
14 Devil's lettuce, and it would be foolish to give them money in
15 an attempt to help with anything.

16 Preferential treatment for a cannabis license when the
17 application window has already closed? It defies reality. It
18 belies ignorance of cannabis law and licensing and it
19 undermines what is a legitimate industry in the United States
20 of America that just doesn't operate that way.

21 Counts Five and Six, this affidavit, this FEC
22 affidavit. There are elements here. The judge will tell you
23 something has to be materially false before it can be false.
24 Remember, I had Michael Hartsock on the witness stand from the
25 FEC from the RAD was the Report Analysis Division, he had been

LALTPAR3

Summation - Mr. Bondy

1 working there for decades. And he told you this small piece of
2 testimony, I bring it up to you here again.

3 I said: Are there thresholds for materiality at the
4 FEC? Is there like a numerical figure that must be reached
5 before the FEC determines something to be material?

6 Yes. They're internal thresholds. They're private
7 thresholds. They're concealed thresholds.

8 I said: Would you tell us, something involving 2,700
9 bucks, like the Sessions' contribution in the FEC affidavit,
10 could you tell the jury, is that above or below a threshold of
11 materiality for the FEC? And he couldn't tell us because it's
12 a privileged fact. He invoked the law enforcement privilege.
13 So you don't know, they don't know, the Court doesn't know, we
14 don't know if \$2,700 even meets a threshold of materiality.

15 That affidavit -- go take a look at that affidavit,
16 read the affidavit, and remember it's just an allegation. Was
17 it provided by Mr. Preminger, the lawyer to Mr. Fruman and to
18 Mr. Parnas, in his office to sit and read and review and sign
19 under penalties of perjury? There was no translator there.
20 This is how you know they're not reading this thing closely.
21 Where is the translator? Ms. Boothe is not comfortable
22 speaking with Mr. Fruman in the English language. You see him
23 in Cyrillic on group chats. Where is the translator? Where is
24 he? You sit there and you look at people, and you're a lawyer,
25 have you ascertained that they know what you wrote? Have you

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Summation - Mr. Bondy

1 ascertained that you got it right? Have you ascertained that
2 the facts are correct?

3 Then you have a jurat, they call it, the fancy word,
4 an attestation at the end where I'm swearing under penalty of
5 perjury that something is true. There was no swearing or
6 attestation, it was a signature that Mr. Preminger said he
7 thought was given applied, and he looked at Mr. Parnas'
8 driver's license to confirm he was who he said.

9 Well, ask yourself if the lawyer should have read it
10 to them, had an interpreter review the questions, ensure that
11 the signers knew exactly what was being said, that they had
12 read it any other time, that it had been sent to them. Ask
13 yourself whether there's evidence that they weren't just
14 signing off on it blindly. Do you have a doubt? If it's
15 reasonable, you must acquit.

16 Now this \$325,000 contribution, that's the primary
17 thrust of the affidavit. I told you the \$2,700 contribution
18 referred to in the affidavit you can't even say meets a
19 threshold of materiality, which is an element of the offense
20 and is required for you to find by proof beyond a reasonable
21 doubt before you could convict a man. But that \$325,000 set
22 forth in the affidavit -- and the evidence showed you and I
23 said it in my overview -- was accurately and correctly
24 represented to be a, quote, bone fide capital investment in a
25 start-up business.

LALTPAR3

Summation - Mr. Bondy

1 The judge will instruct you that one of the things you
2 get to look at when you're ascertaining if a business is real
3 or not is bone fide capital investments. The activities of
4 these people, were they going around and meeting people in the
5 energy realm? Were they trying to enter into memoranda of
6 understanding? Were they trying to parlay their political
7 donations to meet high-net worth people who were involved in
8 oil and natural gas? That's a great idea, isn't it? Is that
9 what they were trying do when they were traveling? When
10 Mr. Fruman was in Poland, what was he trying to do?

11 Ms. Van Rensburg tells you that -- ultimately we
12 extracted it from her, and we'll talk about her testimony on
13 the direct versus the cross-examination shortly, but we
14 ultimately extracted from her that, yes, she thought they were
15 in the oil and gas business, as did Mr. Ahearn, who was
16 introducing at least two companies to Mr. Correia and to
17 Mr. Parnas.

18 That's what the evidence showed you. And so this is
19 not some hidden payment through some shell company that is
20 designed to mislead. Poppycock.

21 Now a theme here throughout is that Lev Parnas is a
22 guy that doesn't have any campaign finance experience or
23 education. And think about the witnesses who came into this
24 courtroom and told you what they know. Just kind of think
25 about it. He never worked on a campaign, he has never worked

LALTPAR3

Summation - Mr. Bondy

1 at a PAC ore a super PAC or a joint fund raising committee, let
2 alone doing fund raising like Joe Ahearn did or acting as a
3 staffer on a congressional campaign like Caroline Boothe did,
4 the chief of staff for Congressman Sessions. Lev Parnas never
5 ran for office like Wes Duncan or Adam Laxalt. He didn't go to
6 graduate school like Joe Ahearn or a law school like Mr. Duncan
7 on Mr. Laxalt or Daniel Stewart. And it's unfair to try to
8 ascribe that level of knowledge to him. It's like saying to
9 him he should know what the prosecutors know or I should know.
10 It's just false.

11 Ms. Van Rensburg told you and the evidence showed you,
12 you saw it, that the PACs and the joint fund raising committees
13 and the campaigns never raised a red flag and told you they
14 don't do any diligence whatever. You get to click through,
15 like we all do so many times in our lives, without reading the
16 fine print, just like Wes Duncan when I asked him: You're a
17 lawyer, do you read the fine print? He said I try to read the
18 fine print, but I don't always do it. We all do.

19 And these were the transactions made by another
20 person, Deanna Van Rensburg, who read the form and clicked the
21 box and ultimately conceded in her testimony that she may or
22 may not have spoken to Lev in advance. She doesn't remember,
23 it's so long ago.

24 Funny, the direct examination was Mr. Parnas directed
25 this and Mr. Parnas directed that, and Mr. Parnas directed the

LALTPAR3

Summation - Mr. Bondy

1 other, and then on cross, yes, I have spoken to the government,
2 we have gone over the questions, we've gone over the answers,
3 we went over the questions, we went over the answers. Somehow,
4 I ask a question and she doesn't remember anything.

5 Use your common sense. Infer from the facts: Was she
6 coached? Was she trained? You need to meet with people a
7 bunch of times to go tell truth about something? You need to
8 practice telling the truth? You need a coach to tell the
9 truth? Have you ever paid anyone in your life to coach you to
10 tell the truth? You need to work on telling the truth to
11 somebody? Come on.

12 Wes Duncan is one of those witnesses who was kind
13 enough to speak with the defense before taking the witness
14 stand. We asked every one of these witnesses if they would
15 talk to us, and I will let you know the ones who did and the
16 ones who didn't. He did. He conceded, and you saw it, he
17 asked Lev Parnas for donations repeatedly. Repeatedly. You
18 watched the testimony, you saw the exchanges. He asked a lot
19 of times, because that's what politicians do. For better or
20 for worse, it's just what they do.

21 But he also told you that the attorney general's
22 office in Nevada, along with the Department of Taxation,
23 regulated these licenses, regulated the cannabis market, and
24 that there were a variety of license categories and it was very
25 common for an applicant to engage lawyers. Right?

LALTPAR3

Summation - Mr. Bondy

1 Duncan told you that Dan Stewart, who we heard from
2 also, was a talented lawyer, his partner, an ethical man, not a
3 crooked person, transcript 159 to 60. And when Mr. Duncan and
4 Lev spoke in September or October in 2018 at dinner in Nevada,
5 there were no licenses open for retail stores in Nevada,
6 cannabis stores.

7 Now something important here to this whole theory of
8 we'll go plow money into a bribe to get a cannabis license, he
9 told you that Nevada removes the identifiers from the license
10 applications. He told you that these applications are
11 evaluated anonymously and judged on the merits, and there is no
12 favoritism whatsoever. Transcript 161 to 162. I will give you
13 the numbers and maybe write them down. I don't have the screen
14 kind of thing, but I have done my best to endeavor if there is
15 something that is of note to you, you could ask for readbacks
16 of testimony. I will guide you when I can, but there was no
17 ability to game the system in Nevada.

18 That process had been set up for exactly this
19 purpose -- and the government should know this -- to protect
20 against corruption. There wasn't a senator, there wasn't an
21 attorney general, there wasn't a governor who would have the
22 means to push an application through. It wasn't possible to
23 bribe. Their theory is just untenable.

24 Now Mr. Duncan told you there was nothing out of the
25 ordinary whatsoever about Mr. Parnas' cannabis questions at the

LALTPAR3

Summation - Mr. Bondy

1 dinner. He told you he also met Mr. Fruman. He told you he
2 never got a donation from Lev Parnas. He told you he got a
3 donation from Mr. Fruman. Throughout this whole trial we heard
4 the politicians say or fundraisers say: Isn't it great? You
5 could get another person, max out the donation, bring some more
6 people to the party, get some friends, raise some money, bundle
7 these things. Because that's what they care about.

8 Now although Duncan, I said it before, was a lawyer
9 and tried to do better, he told you the truth, all of our
10 truths: We click through boxes. Read the fine print on your
11 shrink wrapped agreement for software. Read the fine print.
12 Have fun.

13 Now when that donation was made to Wes Duncan on
14 November 1st -- as I said, remember, you couldn't have gotten a
15 cannabis license for a retail establishment, the window was
16 closed. You couldn't have paid 10 grand and gotten a cannabis
17 license. Wes Duncan is not going to take a bribe. Do you get
18 the sense he's going to take a bribe?

19 So Daniel Stewart, he came to court. He is a cannabis
20 lawyer. Yes, he also heads his firm's election law practice.
21 The government didn't ask him any questions about the election
22 law. I'm not sure why exactly. He told you he's the head of
23 the committee at the firm.

24 But he told you some things. He provided you stereo
25 on Wes Duncan. You couldn't submit an application for a

LALTPAR3

Summation - Mr. Bondy

1 cannabis license following the closing of the application
2 window. It closed in September. He met with Parnas and Fruman
3 and Duncan at that dinner. They had a meal after the
4 application process had closed.

5 Mr. Stewart told you some of the realities of pursuing
6 cannabis licenses. He said the application was often too
7 expensive and only a limited number of licenses were available.
8 He told you it costs hundreds of thousands of dollars simply to
9 prepare a license. This is not like flipping pancakes or
10 making a hamburger. It's not a barbecue.

11 Now he also told you that you had to show that you
12 could succeed. There had to be some adequacy to the
13 application. You're graded on a scale in Nevada. It's a blind
14 application graded across a variety of categories. And
15 thankfully in Nevada they have an emphasis on diversity and
16 equity and inclusion as a way, he told you, to repair the
17 victims of the war on drugs.

18 He also told you that in Nevada they have a 120-day
19 legislative session. The legislators sit for 120 days. It's
20 longer in New York and it's still too short, and it's like
21 every other year or every three years or something. And when
22 they are in session, the lobbyists come out of the woodwork,
23 and they are paid to lobby on a lot of subjects, not just
24 cannabis. And you see the evidence in this case about lawyers
25 and lobbyists.

LALTPAR3

Summation - Mr. Bondy

1 Mr. Stewart told you also, he confirmed it, the
2 governor nor the attorney general review the licenses. Like
3 Adam Laxalt, if you give him some money, he wouldn't have
4 anything to do. He couldn't possibly do it. And when he spoke
5 to Mr. Kukushkin and he spoke to Mr. Parnas, there was nothing
6 that raised an alarm for him, not one thing.

7 I want to talk a little about Adam Laxalt, because
8 Adam Laxalt came to court. Use your common sense. What it's
9 like to have a person in a position of power, some politician
10 or role model, some law enforcement person, look down upon you
11 and think you're an odd character or a novice or a clownish
12 figure or someone who is low class because you wear a gold
13 chain or, God forbid, you sound like you're from Brooklyn or
14 you're just there to be in the picture.

15 I submit that each of us knows in a deeply personal
16 way, probably very distinct from the evidence in this case, but
17 nonetheless resonate what it's like to be scorned for being
18 different and how hurtful that is. How much more when it hurts
19 when a person smiles in your face and laughs about you behind
20 your back, jokes about you behind your back, snickers at you
21 behind your back. It's disgusting. Don't be that person.

22 And with Adam Laxalt, of course, there's that extra
23 layer of pain, fig wrapping around him, right, asking you,
24 bludgeoning you, badgering you, chasing you, texting you for
25 money, money, money, money. He told you, though, Adam Laxalt,

LALTPAR3

Summation - Mr. Bondy

1 he wouldn't take a bribe. Cannabis venture, not good for him.
2 That's not what he was about. He would be the wrong guy to
3 approach.

4 He also told you that, contrary to Igor Fruman's text
5 to Mr. Kukushkin about going to meet the guy and got to give
6 him \$250,000, that he never got \$250,000. Of course he would
7 have remembered him.

8 Do you recall the FBI's summary chart witness, Anthony
9 Casola, who told you that the United States Attorney's Office
10 decided which pages in this case to put into their summary
11 chart, and that they selected something like one and a half,
12 one-thousandths of one percent of the evidence to put into the
13 summary chart, and then to slice and dice them into these
14 little snippets and present to you on some silver platter as
15 though it's the whole story?

16 Well, what he tells you, he identifies things,
17 Mr. Kukushkin was going in circles with Leva, going in circles
18 with Leva, page 292 and 293, he tells you there's a reference
19 to a 10 minute and 30 second phone call between Mr. Muraviev
20 and Mr. Fruman. Where is the recording? I don't have the
21 recording. Does anyone have a recording? There's no
22 recording. What did they talk about? Do you know what they
23 talked about?

24 All the donations on the summary chart, Mr. Scotten
25 puts it into evidence earlier and he neglects the fact that I

LALTPAR3

Summation - Mr. Bondy

1 cross-examined on what the asterisks meant, the ones he
2 neglected to ask about on direct examination. Look at the
3 document, the word is projections.

4 Of course, Special Agent Casola has no actual
5 knowledge about anything, including whether donations were
6 made. I have no personal knowledge of that. I have no
7 personal knowledge of that. I didn't do anything in this case.
8 Well, he did participate in the raid of Steven Fruman's home,
9 right? I believe he participated in the pizza party before.

10 But there are no communications that involve
11 Mr. Parnas on September 14 of 2018 in the summary chart, and
12 there are the two loan agreements that he put in concerning FD
13 Import & Export. He had no knowledge about any donation ever,
14 no evidence of a donation ever being made to any of the people
15 on that chart Andrew Cuomo, Kirsten Gillibrand, Letitia James,
16 whomever it is.

17 Mr. Parnas also communicated to everyone on
18 November 3rd, you see it, that he wants to end the
19 relationship. He wants to stop it because it's not what he
20 thought. He's already been speaking to Kukushkin about two
21 payments that he pledged that weren't made. He is tired and
22 he's out.

23 Remember Customs and Boarder Protection Agent Madelyn
24 Garcia? The prosecutors presented her to demonstrate that
25 Mr. Muraviev, guess what, identified himself to her at an

LALTPAR3

Summation - Mr. Bondy

1 international border where she was standing in a uniform, and
2 upon her inquiry and inspection, pursuant to law, he identified
3 himself as a Russian and Romanian citizen. Remember, she went
4 through his bag to find the Romanian passport.

5 Lev Parnas is not wearing a uniform. He's not
6 standing at the border. He's not going through your bag. He
7 doesn't have access to the immigration database. He's not
8 looking at the data of your entries and exits and how you're
9 getting there.

10 But she told you that Mr. Muraviev spoke English. She
11 told you that she communicated with him without an interpreter.
12 She told you that, on its face without a records check, that
13 she could do what Mr. Parnas couldn't, you couldn't, none of us
14 could do. Maybe the prosecutors could. That it would be
15 unclear whether Mr. Muraviev would be a foreign national
16 because, thank God, she had encountered many U.S. citizen
17 travelers from other countries with thick accents, including
18 people who had been U.S. citizens living abroad for lengthy
19 period of time.

20 She also told you that she didn't know if Mr. Parnas
21 spoke with an accent. She didn't know if Mr. Parnas, who you
22 saw came here and was naturalized in the Borough of Brooklyn as
23 a 14-year-old boy having left the USSR. She didn't know if he
24 learned to read and write in Cyrillic. It's different to speak
25 a language, it doesn't mean you write it.

LALTPAR3

Summation - Mr. Bondy

1 Brad Hirsch, I'm not sure if you recall him, he was in
2 a light blue suit and he was the cannabis lawyer from
3 California. He was lucky enough to have a cannabis practice
4 where the clients said yes. It wasn't like Mr. Stewart where
5 the clients talk about it and they decide not to pursue the
6 application. For Mr. Hirsch, all of his clients pursued the
7 application. And he told you it's important. He confirmed --
8 for reasons I didn't want to go into because we don't need to
9 malign or hurt a person -- that Mr. Kukushkin was not a person
10 with whom he could continue to have any cannabis business
11 relationships. He wasn't a good business partner. And it's
12 reasonable to infer from Attorney Hirsch's statements to you
13 that Mr. Parnas also recognized for his own reasons that
14 Mr. Kukushkin and the entire venture had shortcomings, and he
15 abandoned it.

16 Hirsch never met Lev. He never spoke to Lev. He
17 never saw Lev. The first time he saw him was on trial here.
18 Importantly, because you do need lawyers in this field, he told
19 you that marijuana law is an ever-changing field. The laws are
20 frequently changing locally, from city to city, from state to
21 state. California has an open licensing system. Nevada has a
22 closed licensing system.

23 Now I do want to focus on the August 6, 2018, ten
24 minute and 30 second phone call that Mr. Scotten neglected to
25 raise in his closing argument or address in his closing

LALTPAR3

Summation - Mr. Bondy

1 argument or speak about at all in his closing argument because
2 it was FBI Agent Casola, in introducing the prosecutor's
3 summary charts, who conceded to you on cross-examination --
4 because of course he wasn't asked about it on direct -- use
5 your common sense, that there was a 10 minute and 30 second
6 unrecorded phone call between Mr. Fruman and Mr. Muraviev. Ten
7 and one half minutes. Look at the transcript, pages 394, line
8 21, through 395, line 6. Take a look at Government
9 Exhibit 1295 where this appears. You will see the fact in the
10 record. You will see it in their evidence. The timing of the
11 call is completely consistent with the timeframe in which Igor
12 Fruman would have been entering into his private loan agreement
13 with Mr. Muraviev as reflected in the September 16, \$500,000
14 loan agreement and the second October 17 loan agreement.

15 Ask yourselves: What did they talk about? Was it the
16 terms of the loan? Why was it a call without Mr. Parnas and
17 Mr. Kukushkin? Why were they not on the call? Were they
18 intentionally excluded from the call? How could you say the
19 loan was not the subject matter of the call? Can you say it
20 was not discussed? Do you have a doubt? And if it's a doubt
21 and it's reasonable, you must acquit.

22 Deanna Van Rensburg. Do you remember her and how she
23 testified starting out? That's Lev's former assistant, not
24 business partner, not a director and officer of the company,
25 his assistant. And she testified under an immunity grant

LALTPAR3

Summation - Mr. Bondy

1 because she felt she had done something wrong, or so she said,
2 and she had to get that immunity grant. And nonetheless, she
3 was evasive.

4 Why do you have to be evasive when you're testifying
5 under an immunity grant? Why do you have to meet and go over
6 the questions and answers repeatedly when you're testifying
7 truthfully under an immunity grant? And remember what she said
8 to you on direct? Lev directed this and he directed that. Lev
9 directed everything. Lev directed everything. That was the
10 direct testimony of Ms. Van Rensburg.

11 And then on cross-examination, it was like I flew in
12 from another planet and can't be understood. She didn't
13 remember anything. She wouldn't concede remembering anything.

14 But she did tell you a very important fact, I'm not
15 sure if you recall it, but she told you that she would often
16 send Mr. Parnas emojis in response to articles he sent her.
17 Even though she never read the articles, it was her way of
18 acknowledging the receipt of the articles. But she didn't read
19 them, didn't know the contents, probably like many of us do.
20 You have seen Mr. Parnas and his emojis and other witnesses and
21 their emojis. Use your common sense. A response of an emoji,
22 as Ms. Van Rensburg told you, one of the government's marquis
23 witnesses, does not mean that you read the thing you're
24 responding to.

25 She also told you that she may not have gone over that

LALTPAR3

Summation - Mr. Bondy

1 contribution form with Lev in certain instances. She could no
2 longer remember, it's been so long. An importantly, she told
3 you that she had been owed money by Mr. Parnas, had put her out
4 and she was upset. Her husband had no money. She has two
5 small children, and of course she doesn't want to be in that
6 chair. She would rather be immunized in that big plastic box
7 over there on the witness stand.

8 So the back and forth between us I thought was really
9 kind of interesting. Because what is she here for? To tell
10 the truth or adopt the sinister narrative of the government
11 that Lev directed this and Lev directed that, and somehow I
12 just don't remember anything when the defense lawyer
13 cross-examines you?

14 Like I said before, when in your life have you had to
15 practice telling the truth? Did you ever meet with a room full
16 of people so you could go over the questions and answers to
17 practice telling the truth? And if that's what you do, then
18 how do you forget the truth when the defense lawyer is asking
19 about it? The truth doesn't change. It just gets selectively
20 remembered sometimes.

21 I understand, though. In fact, I would say that if we
22 were to walk a mile in Ms. Van Rensburg's shoes, you could
23 understand her position. She has small kids, she testified on
24 a Friday. She flew back home to be with them on the weekend
25 and she came back on a Monday. She doesn't want to be apart

LALTPAR3

Summation - Mr. Bondy

1 from them. They're much more important to her than Lev Parnas.

2 So in terms of what we did manage to extract from this
3 biased witness, I submit to you, who was evasive on our
4 examination, she told you that she had spoken at Lev Parnas'
5 direction with Caroline Boothe about the credit card donation,
6 \$21,000 on a credit card, and Lev asked to go and do things the
7 right way. That's transcript 691 to 692.

8 She told you -- and we had to drag it out of her like
9 yanking it out of snail shell -- yes, there was urgency to the
10 America First donation, and Lev did not want to wait to open
11 the GEP bank accounts. Transcript 693.

12 In terms of timing, this was right at the time when
13 Mr. Ahearn was talking to Parnas about the swanky events,
14 including the dinner on April 30, 2018, the private dinner
15 where he had the courage to go bring cannabis talking points to
16 Donald Trump. Wow. You don't get to the party unless you pay
17 the fee, right? You don't get to those events unless you pay
18 the piper. You don't get there unless Mr. Ahearn has your
19 pledge and your money.

20 Now Ms. Van Rensburg finally remembered that Lev
21 Parnas very much wanted to become politically involved and was
22 important to their gas and oil efforts with GEP. Oh, yes, now
23 I do remember that. Yes. Transcript 694.

24 Seeing her statement refreshed -- I shouldn't say her
25 statement, but seeing what she had said put back on her

LALTPAR3

Summation - Mr. Bondy

1 refreshed her memory that the refinancing of Mr. Fruman's home
2 was for \$2.8 million. The money went to the Mamo restaurant.
3 That was where part of that money went. Then, according to
4 her, she thought one and a half million dollars went to GEP.
5 And she did concede again and again that her memory was so much
6 better two years ago. Transcript 667 to 68.

7 Then she finally recalled that she had told the FBI
8 that Mr. Fruman and Mr. Parnas and Mr. Correia were indeed in
9 contact with people in the oil and gas industry. She conceded
10 there was a conversation with someone named Orban and
11 Mr. Correia about, quote, buying barrels, although she just
12 couldn't give it up that those were referring to barrels of
13 oil. I invite to you transcript 669 to 75.

14 She actually went to the bank with Svetlana Parnas so
15 that they could transfer the \$325,000 donation immediately
16 after that money came in from the lawyer, the trust account of
17 the lawyer on the refi. She went to the bank with Svetlana so
18 she could do this transaction. In GEP's name? Yes. As
19 directed by Lev, according to her? Yes. Is that what the
20 contribution was for? Yes, for GEP.

21 (Continued on next page)
22
23
24
25

LALCpar4

Summation - Mr. Bondy

1
2 MR. BONDY: Now, she thought and she admitted
3 erroneously, that Lev had some election law knowledge and that
4 she had relied upon him, and I asked her, some knowledge he, in
5 fact, didn't have? You thought he had some knowledge that, in
6 fact, he didn't have? Answer, yes. Transcript 677.

7 Do you think she'd ever tell you if she just read the
8 box and clicked through it?

9 She also told you that when there was the FEC
10 complaint, they went and hired lawyers. Mr. Fruman and
11 Mr. Parnas, they went out and they defended themselves.

12 Ultimately, she told you that she knew Global Energy
13 Producers was a startup company, it seemed viable to her.
14 There came a point that she was owed money, but she continued
15 to work at the viable startup she thought it was. Pages 680 to
16 681.

17 She also conceded that Lev and Igor are citizens.
18 They were business partners in Global Energy. The money from
19 the condo refi was the startup capital, even if it went through
20 the Aaron account, and they did not have a bank account for GEP
21 yet. So it's hard to pull that money through GEP's account
22 when it doesn't yet exist.

23 Importantly, even though she's testifying under the
24 immunity grant, she's accepted immunity on the theory that
25 she's done something wrong. She told you that she never

LALCpar4

Summation - Mr. Bondy

1 thought she was doing anything wrong. Trial transcript at 683.

2 She told you her memory had faded a lot. She's got
3 gaps in her memory. She doesn't remember what happened by her
4 own -- take that for what it's worth. It creates a doubt about
5 what she's saying. It makes what she's saying unreliable. It
6 makes it subject to question. She told you she reviewed her
7 own text messages to prepare, but she still seemed to remember
8 so little.

9 We asked about a Proton account that she'd be the
10 administrator for and she lost the logging credentials so that
11 Mr. Parnas could never get back his Proton emails. What's with
12 that? Why? Where did they go? Why did you lose it? Pages
13 775 to 777. The issue of Mr. Parnas not being an email guy
14 came up because he wasn't an email guy.

15 And then on direct, I had asked if she was Global
16 Energy Producers' director of operations. And like a parrot,
17 like this parrot, at Lev's direction, at Lev's direction.
18 Well, when confronted, at page 777 and 778 of the record, she
19 conceded that she had asked Lev to be the director of
20 operations, she was the one asking. It wasn't Lev directing,
21 it was her asking. Completely the opposite of what she said
22 when Mr. Scotten was questioning her.

23 She told you she worked on a logo for Global Energy
24 Producers. She told you she worked on the website for Global
25 Energy Producers. She asked to be the manager of Steven

LALCpar4

Summation - Mr. Bondy

1 Fruman's Amex so she could have easier access to the account
2 and be authorized to speak on their behalf.

3 She told you she was working on his biography and
4 including certain things in the biography.

5 She told you that there were certain things that she'd
6 have Lev sign and she'd fill out the rest.

7 She said just notary forms, but it's an example of a
8 practice, a general practice that she had.

9 Although she told you she didn't know anything about
10 the cannabis realm or what they were doing in cannabis, she
11 then concedes that she's joking about 4/20 in a text with Lev
12 and what it is to be like you're staying in a hotel and the
13 address is 420 Park Avenue. If you don't know anything about
14 cannabis or what they're up to or the business or your interest
15 in it, why is it to be staying at the 420 hotel? Why?

16 She showed you, 788 to 790, there is a list of Lev's
17 contacts that she sent this message to about raising money for
18 Ron DeSantis, raising money. Because, again, that's what the
19 politicians want you to do, raid your contacts, send them all a
20 message, you know this great guy running for congress or the
21 governor or whatever it is, give them money. I love the
22 candidate, he's a wonderful candidate, please give them money.
23 And it wins you grace with the politician and perhaps you have
24 your candidate ultimately win.

25 She had a very detailed role, one that she didn't

LALCpar4

Summation - Mr. Bondy

1 really discuss on the direct in refinancing. She told you
2 she's dealing with Steven Fruman, she's dealing with Neil Ross,
3 she's dealing with Igor Fruman, she's dealing with his son,
4 Arthur Fruman, she's texting them back and forth. It's pages
5 790 to 791.

6 Now, at page 796 to 97, towards the end of her
7 testimony, all of a sudden, she doesn't remember even checking
8 boxes without Lev. I don't remember, it's three times, it was
9 so long ago, I don't recall a conversation I had with Joe
10 Ahearn. Well, you know, all of a sudden you remember these
11 things that no one is directing you to say anymore. And
12 notwithstanding her and her immunity grant, she couldn't come
13 up with a reason why she needed it. Pages 836 to 840, Deanna
14 failed to remember these checkboxes. She was inconsistent in
15 her testimony.

16 When I pressed her on why the money had to run through
17 the Aaron account into AlA so quickly, why not just wait until
18 GEP had a bank account. Can't you just wait you a few days
19 until you have a bank account? Why? Her answer was, I think
20 it was a way for him to be taken seriously in politics. 798 to
21 800. And, of course, he and Igor Fruman and GEP wanted full
22 credit for those donations. They weren't hiding anything.
23 They had much to gain through their new network and through
24 these high net worth connections. They weren't running, they
25 weren't obscuring, they weren't doing anything in some other

LALCpar4

Summation - Mr. Bondy

1 person's name.

2 At the end of the day, she wasn't really a credible
3 witness. She gave us some doubts, they're reasonable, she
4 showed us some things about the government and being aided to
5 tell the truth. And remember, if you have a doubt and it's
6 reasonable, you must acquit.

7 Caroline Boothe came to court. Remember Caroline
8 Boothe? She was the Chief of Staff for Congressperson Sessions,
9 then Congressperson Pete Sessions. She had worked closely on
10 his reelection campaign doing fundraising, and she communicated
11 with Ms. Van Rensburg concerning these contributions. She told
12 you her version of the interactions with Ms. Van Rensburg. She
13 told you that she had taken a class in college on not law, but
14 on campaign finance, but that she was working on the job and
15 she learned about this stuff on the job by interacting with
16 other members of the Congressperson's staff and asking
17 questions.

18 Ironically, Pete Sessions was the most vocally opposed
19 person to cannabis reform in the entire House of
20 Representatives. He was vehemently opposed to cannabis
21 legalization. He was the stadium block to having any federal
22 legalization measure brought to a vote by our House of
23 Representatives.

24 Caroline Boothe told you that Harry Sergeant is a
25 wealthy businessperson and that he's involved in oil. She knew

LALCpar4

Summation - Mr. Bondy

1 that. She didn't think that GEP was a shell company based upon
2 her own observations. That's page 873, lines 16 to 21. She
3 said that Mr. Parnas was always kind to Ms. Boothe, a little
4 bit of an odd character, but always kind to Ms. Boothe. She
5 didn't slur him and call him a bunch of names and look down on
6 him at the same time that you're reaching in his pocket like
7 Adam Laxalt did.

8 She told you that Mr. Parnas asked questions
9 concerning donations. That's 876. She told you that she was
10 not aware of many of the questions that were being asked about
11 bundling these payments on one credit card, and she had to go
12 ask others, including a guy named Matt Garcia. She just didn't
13 know. Shy had no reason to believe anyone was breaking the
14 law.

15 And she believed that Tommy Hicks and Roy Bailey and
16 Harry Sergeant were involved in gas companies. That's page
17 891, lines 10 to 14, one of the scant few exhibits that we had
18 in evidence that we wanted to put in. There is a picture with
19 Hicks and Bailey and Sergeant and Mr. Parnas seated at a table
20 giving the thumbs up, Mr. Fruman is there, Mr. Correia is
21 there. Well, they're all involved in gas business, according
22 to Ms. Boothe, right? What do you think they're talking about
23 at dinner?

24 That contribution chart. There is no evidence these
25 contributions were made. I invite it. Where is the evidence

LALCpar4

Summation - Mr. Bondy

1 that those contributions on the chart were actually made?
2 Where is the evidence that Mr. Parnas ever intended to or
3 agreed to make any contributions on the chart that Mr. Fruman
4 sent?

5 Again, there is this September 9th text that they
6 referred to in evidence from Mr. Fruman and Mr. Kukushkin about
7 what's important in expressing the clear intent to use the
8 first \$500,000 to access to New York or New Jersey or the
9 second \$500,000 to access the Nevada marijuana markets, but
10 there is absolutely no evidence that Mr. Fruman or Mr. Parnas
11 or anyone ever took a single step with the loan that Mr. Fruman
12 received from Mr. Muraviev to access New York or New Jersey or
13 Nevada, anywhere else.

14 Then there is this October 2nd, 2018 text, Mr. Fruman
15 to Mr. Kukushkin. Remember this one? We have to fork over a
16 check for 250 to him at the event. Well, Mr. Fruman is talking
17 to Mr. Kukushkin about having to pay Adam Laxalt \$250,000 at
18 some event. Remember that one? And that that's somehow,
19 according to the government, is evidence that this second wire
20 was also intended to cover contributions. But remember, Adam
21 Laxalt said he never got that check from Mr. Fruman, he said he
22 would have remembered it, he said it was a lie if anyone said
23 it was true, and he told you again that he was completely
24 opposed to expanding cannabis legalization and never would have
25 aided their marijuana venture.

LALCpar4

Summation - Mr. Bondy

1 Now, Mr. Kukushkin texted Mr. Fruman on the 29th of
2 October that money was sent in accordance with the budget and
3 the meeting people and showing and believed to make sure what
4 Mr. Kukushkin believed about what Mr. Muraviev's money was
5 being used for, but it absolutely does not indicate what
6 Mr. Parnas or Mr. Fruman agreed to with Mr. Kukushkin. There
7 was no agreement.

8 If you look at this, actual money flow in this case,
9 the actual money flow, you're going to see that the money from
10 Mr. Muraviev went into anything but future donations, anything
11 but. Nor was his money spent on any donations that had been
12 agreed to before I show showed you this, right? There was
13 nothing about any of that money being paid before these loans
14 occurred as part of some agreement, some promise, some belief
15 that there would be money coming from Mr. Muraviev, and the
16 Judge will instruct you, as I read to you previously, that is a
17 defense.

18 Importantly, that last October transfer – and we're
19 going to talk about the forensic accountant, Kimberly
20 Espinoza's testimony in a second – was not used to pay the
21 contributions that were made in November and paid in December
22 of 2018 to Adam Laxalt and Wes Duncan. That money came from
23 other payors into the F.D. account, including but not limited
24 to the Strauss Coffee payor. You saw those records. She
25 talked to you about those records. She prepared these

LALCpar4

Summation - Mr. Bondy

1 financial charts for us. And forensic accountant Espinoza told
2 you that she looked through the bank records and the credit
3 card statements and the checks in the case, and in the end,
4 after looking at everything the government gave her to create
5 the charts, she, herself, had a doubt that any of the money
6 that was derived from those loans in September and October had
7 been used to pay off the Amex bill for the November 1st, 2018
8 contributions. If you have a doubt and it's reasonable, you
9 must acquit.

10 She told you those contributions occurred 86 and 105
11 days previously when Mr. Parnas's June 6th and June 25th
12 contribution were 86 and 105 days before the first loan was
13 even made.

14 Now, when the contributions were made, there is no
15 evidence that Lev was going to pay a credit card bill with
16 funds from Intellect Capital loans or Nilder, whatever it is,
17 those two companies, to F.D. Export. The loans were yet to be
18 negotiated and there couldn't be such an agreement. The loans
19 were yet to be negotiated. There couldn't be such an
20 agreement.

21 The government will point to some nebulous text of
22 6/2. They'll say, oh, Mr. Kukushkin and Mr. Fruman talking, we
23 need Big Andrey. That's not an agreement. And furthermore,
24 that communication comes a month and a half before the
25 ten-and-a-half-minute phone call between Mr. Muraviev and

LALCpar4

Summation - Mr. Bondy

1 Mr. Fruman that the government absolutely has failed to
2 address.

3 At trial transcript 1066, she tells you, Ms. Espinoza,
4 I cannot say the source of the money to those two donations was
5 from the Nilder or the Intellect Capital loans. Cannot say the
6 source of the money for those two donations. She can't tell
7 you if that was the source of the money. The FBI's forensic
8 accountant, the one that they call into this case to give
9 testimony can't even tell you. That's a doubt, if ever there
10 was a doubt, and from a law enforcement witness, too. Don't
11 you have a doubt? Read the charts. Reread her testimony.

12 Supervisory Special Agent Ellen Thomas confirmed
13 something to us that maybe we all knew, Mr. Parnas does not
14 have oil wells in his backyard. He doesn't have a gas station
15 anywhere. He doesn't have a pipeline running through the
16 front.

17 And would you ever have expected him to? Would you?
18 Guess what? His home looked like a home. Mr. Parnas's home
19 looked like a home, not an office. And the time he's been
20 traveling around the world, as you learned, traveling
21 everywhere, his home looked like a home, but it had a heck of a
22 lot of paper in it. It had papers and there were phones and
23 there were computers and there was a safe there, too. The FBI
24 found a safe. Oh, my god, and then they called a locksmith who
25 cut it in half only to find nothing of evidentiary value.

LALCpar4

Summation - Mr. Bondy

1 But, of course, on the table, there was a document
2 that was propaganda from the Trump victory people urging
3 donations and raising funds, and, of course, stating yet
4 another different rule for donors, because all of these groups
5 have different donation rules. A super PAC, a joint
6 fundraising committee, the victory campaign. Well, did Lev
7 read it? She didn't know. Did he understand it? She doesn't
8 know if he read it. There is no evidence if he ever
9 contributed in violation of those terms to this Trump victory
10 group.

11 And furthermore, it was seized from his home after all
12 the events in this case had long transpired. When was it
13 seized? Not during this timeframe. I submit to you it has
14 little or no probative value, and the government knows that.

15 Joe Ahearn, while he was the prosecution witness,
16 remember him, who they prepared to testify and offered immunity
17 to but then decided against calling as a witness? He's one guy
18 that I called as a defense witness without ever having spoken
19 to him. This is like on Star Trek, it's a blind probe, and
20 there is trouble with blind probes.

21 It was gritty, but we learned some important things.
22 Joe had worked on numerous political campaigns. He was the
23 fundraising director of America First Action. He had an
24 undergraduate degree from the University of Pennsylvania in
25 history; he had a graduate degree, a master's degree in

LALCpar4

Summation - Mr. Bondy

1 government relations; he attended the legal programs on
2 campaign finance; and he had many years of experience in the
3 trenches, learning on the job.

4 He told you that a super PAC can accept different or
5 larger or even unlimited sums of money from certain entities,
6 millions and millions and millions of dollars a super PAC can
7 accept, and remember, that was the guy, the first fundraiser in
8 this case that Mr. Parnas had an interaction with, that guy.

9 He told you that Protect the House was something
10 different, it's a joint fundraising committee, and unlike a
11 super PAC, a contribution is limited to a finite amount which
12 could depend upon the year.

13 And he also told you that AFA had its very own
14 compliance group, right, called Bulldog. He talked about
15 Bulldog. And Bulldog vetted contributions. And they did so
16 here, the contribution was accepted. Their internal vetting
17 process and questions were never made known to Lev. He didn't
18 even know. This is a whole, like, they don't raise the red
19 flag thing, you just don't know? But, ultimately, they took
20 the donation.

21 Now, Joe had told you that he met Lev at a Mar-a-Lago
22 presale event at some point prior to the 4/20 Mar-a-Lago event
23 with Pete Sessions. It's great to have Pete Sessions at a 4/20
24 event at Mar-a-Lago, but that event was for individuals who
25 could either anchor an event with a larger contribution or

LALCpar4

Summation - Mr. Bondy

1 bring additional donors. That's what he said under oath, 1126
2 to 1127. Then he told you about meeting Lev Parnas the first
3 time at a Kevin McCarthy Protect the House event in about
4 February or so of 2018. He couldn't tell you if that was
5 before the \$325,000 pledge to America First, but \$125,000
6 pledge had been made at that event to Protect the House.

7 At some point, Mr. Ahearn solicited and Mr. Parnas
8 made an \$11,000 donation from the GEP account with bonafide
9 capital funds of GEP as a bonafide donation. It allowed, and
10 Mr. Ahearn said this, that donation allowed Protect the House
11 to reach its goal of raising \$12 million, right. Mr. Parnas
12 got called upon, he put him over, 1129 to 1130.

13 Mr. Ahearn is also the witness who can confirm about
14 cannabis that he actually gave Mr. Parnas talking points to
15 bring to the president of the United States about marijuana
16 reform. He told you he met Lev through a guy he worked for
17 named Steven Katz, a state assembly person in New York who had
18 some kind of CBD they call it, right, the nonpsychoactive, one
19 of the cannabinoids in cannabis, but Katz apparently had some
20 pet treat business with CBD in the pet treats that Lev was
21 interested in buying. So he confirms to you that Mr. Parnas
22 had a longstanding real bonafide interest in cannabis.

23 He also confirms to you that he sent his boss, the
24 president of America First Action, Brian Walsh, a list of names
25 for a cannabis working group that included Lev Parnas.

LALCpar4

Summation - Mr. Bondy

1 Regarding levels of donors. Your Honor, I know it's
2 1:00, I would like to finish if I could, but I leave it to the
3 Court's discretion.

4 THE COURT: Are you all okay? Can you put off lunch a
5 few more minutes? Okay, you can go ahead.

6 MR. BONDY: Thank you very much, ladies and gentlemen.
7 Joe told you that there was a designation for
8 contributors that would pledge over a million dollars. He
9 doesn't recall if you call them specifically a VIP or not, but
10 he confirmed that, indeed, there was that pledge level, right,
11 and that those donors would have access like Lev did with that
12 4/30 event to special small dinners with the president. And,
13 of course, when Lev attended that small event with the
14 president, Joe was concerned about giving Lev, as he put it,
15 quote, a couple of vague ways to ask about cannabis while
16 avoiding, quote, lobbying.

17 He also told you that it was his belief that Igor and
18 Lev were business partners, that GEP was an American company –
19 as it is – and the purpose of it was to provide natural gas to
20 eastern European countries. Joe told you he knew Harry
21 Sergeant to be a Florida-based executive for an energy company,
22 right. Another witness telling you Harry Sergeant, who
23 Mr. Parnas was tied to, was an executive at an energy company.
24 It's transcript page 1143. He told you he didn't try to hide
25 his identity with Mr. Ahearn. Mr. Ahearn told you it wasn't

LALCpar4

Summation - Mr. Bondy

1 often that he discussed the rules with the donors. He doesn't
2 recall specific examples. It depended upon the situations.
3 And, although he sent Lev forms a bunch of times, he never
4 would have reviewed them with him word for word. Transcript,
5 1146.

6 He told you donors make mistakes. He told you that
7 when a donor made a mistake, they didn't do anything because
8 there are safeguards in place with credit card companies, and,
9 if anything, the money is going to be refunded. Transcript
10 1147 to 1148.

11 And when the FEC complaint came out, he told Lev what
12 he thought about the merits of the complaint, which, of course,
13 I did not get out of him. I don't know what he thought about
14 the merits, but he told Lev about the merits. And then,
15 although he didn't give an advice, he referred him to a lawyer.

16 He also made a couple of those introductions to gas
17 firms. It's at page 1151 to 52 of the record, including a firm
18 that he believed was called Tellurian. Again, he didn't advise
19 people about law or contribution limits. He didn't do it.
20 That wasn't his job. Page 1154.

21 His energy industry introductions, he told you he made
22 freely with no strings attached, there was no donation
23 required, there was no need to pay back, there was no need to
24 report back to him and tell him what had been done or anything.
25 He said, I don't know what happened because no one told me.

LALCpar4

Summation - Mr. Bondy

1 But he also conceded that there was no obligation of anything.
2 They were freely given connections.

3 Now, on cross examination of the witness that I called
4 who had been the government witness who had been immunized and
5 who had been prepared to testify for the government but not for
6 me, Mr. Roos stood up and asked if Mr. Parnas had dissuaded AlA
7 from accepting a donation from someone. I think we saw it this
8 morning. Joe Ahearn said the donation was not accepted because
9 Mr. Parnas warned Mr. Ahearn that this person was, quote,
10 connected to a foreign oligarch. They put it up on the screen,
11 connected to a foreign oligarch, and then they clipped the
12 transcript. Go read the next lines at 1165 to 1166, because
13 the government readily could have put in what they surely read.
14 When Mr. Ahearn was asked if Lev Parnas thought that the money
15 was probably foreign funds, talk about speculation. What's
16 that, thought that the money was probably foreign funds?
17 Mr. Ahearn answered, I don't remember. He doesn't know.

18 The other thing that Mr. Roos also did not ask
19 Mr. Ahearn was when did these conversations occur, was it after
20 November 1st of 2018, was it after any of the payments in this
21 case, was it long after any of the allegations in this case,
22 was it immediately before Mr. Parnas's arrest — we don't know
23 the timeframe whatsoever.

24 Now, when I sit down, counsel for Mr. Kukushkin will
25 stand up, and I'm sure on some level attempt to portray

LALCpar4

Summation - Mr. Bondy

1 Mr. Parnas as a con artist and a thief with whom his client had
2 no agreement, no meeting of the minds, that's what he'll say.
3 We agree there was no meeting of the minds and there was no
4 mutually understood agreement between the two, but not because
5 Mr. Parnas was some kind of con artist - an offense which, by
6 the way, is not a part of this case whatsoever. Rather,
7 Mr. Parnas never intended to make illegal donations with money
8 from Mr. Muraviev, and the evidence showed you repeatedly, he
9 did not, never, not once. They haven't proven it. Just go ask
10 FBI forensic accounting analyst Kim Espinoza. Remember, she
11 told you she had a doubt.

12 Now, they may tell you ifs and buts, but if they were
13 fruits and nuts, we'd all have a very merry holiday. Put
14 another way, their dog don't hunt.

15 Because the prosecution bears the burden of proving a
16 human being beyond a reasonable doubt in this country, they
17 will have an opportunity when I sit down to deliver a rebuttal
18 summation to get the last word. If the evidence is so
19 overwhelming in this case like they'd like you to think it is,
20 they don't need to get up, but if they do, as they speak, I'd
21 ask, be our advocates. What would we say? I can't respond to
22 him anymore.

23 On a higher level, as you go back and you deliberate,
24 the judge is going to give you instructions, and I would ask
25 that you try to be our voice, apply our defense to the

LALCpar4

Summation - Mr. Bondy

1 evidence. You'll see there are doubts. Your job as jurors is
2 not to draw every sinister implication from the facts and say,
3 aha, we got you, you're bad, you're guilty. That violates your
4 oath as a juror. Find the doubt.

5 Proof beyond a reasonable doubt is the standard that's
6 got to be met before you find a person guilty in America. And
7 the Judge will tell you what it means. He'll instruct in
8 detail, but in short, it means proof of such a convincing
9 character, you would rely upon in making an important decision,
10 a very important decision in your own lives, a decision like,
11 is this the right person for me to be with forever, do I need a
12 second medical opinion, would this be a right place for my
13 elderly parents, should I relocate across the country to take
14 the job. And when you look at it, you'll see there is no proof
15 of willfulness or knowledge to commit the offense as charged.

16 Again, there is no evidence that any money from a
17 foreign national was earmarked to pay the donations at the time
18 that they were made by Mr. Parnas in June. There is
19 insufficient evidence that the two Fruman contributions made on
20 November 1st, 2018 were ultimately paid with funds from a
21 foreign national. There is no material false statement in this
22 affidavit. It was not read and it was not reviewed as it
23 should have been, and there is no intention to make a false
24 filing.

25 Well, who has been there to defend you when you needed

LALCpar4

Summation - Mr. Bondy

1 it? Who have you defended when they needed you, a parent or a
2 child or a spouse or yourself. I know too well that sometimes
3 people treat with you with a stigma or some kind of ostrichism
4 when you're the person accused. Same thing if you defend
5 people. Same thing, potentially, if you acquit people, find
6 them not guilty, particularly so in cases like this. But we
7 know that you will rise above it and you're not going to let
8 anyone else's judgment get in the way of your work or the real
9 evidence in this case.

10 With that, I'm about to sit down, and as soon as I do,
11 I know I'm going to remember something I should have said to
12 you that I didn't say to you. I really only have one more
13 thing in this case to give you, ladies and gentlemen, and
14 that's Lev. He's a part of us. He's a part of our connected
15 community. We are all connected to each other. We are all
16 interrelated to each other. I couldn't think of a better time
17 to say that than today, his day of judgment. To him, it's
18 awesome and it's full of dread.

19 And so here I am at the end of our argument, and I'm
20 now going to give you Lev, my client. I'm going to sit down
21 and I'm going to ask of you, just please treat him fairly, take
22 care of him. Thank you.

23 THE COURT: Thank you, Mr. Bondy. Is it okay if we
24 take a break for lunch at this point? Folks, it's about 1:15,
25 and we'll start after lunch, a little after 2:00. If you could

LALCpar4

Summation - Mr. Bondy

1 finish lunch in about 50 minutes, if possible, we'll try to
2 start about 2:05 or so, and then we'll resume with the closing
3 argument on behalf of Mr. Kukushkin, and then, finally, the
4 rebuttal closing argument by the government and then I will
5 instruct you on the law to apply in your deliberations.

6 I just want to remind you this last break and any
7 other break before I instruct the jury, you're still not
8 deliberating, so you should still not be discussing the case.
9 You will, after I instruct you on the law, finally have your
10 opportunity to discuss your case and deliberate.

11 So, we're going to break for lunch. Have a good
12 lunch. We'll be in recess for about 50 minutes. Thanks,
13 everyone.

14 (Jury not present)

15 Who's doing the rebuttal? Mr. Roos. Anything to
16 discuss?

17 MR. LEFCOURT: Your Honor, may I stay in the courtroom
18 over lunch? I'd like to set up.

19 THE COURT: Sure.

20 MR. LEFCOURT: Thank you.

21 THE COURT: Have a good lunch, everyone. We'll be in
22 recess.

23 (Luncheon recess)

LALTPAR5

Summation - Mr. Lefcourt

AFTERNOON SESSION

(2:10 p.m.)

(Jury present)

THE COURT: Good afternoon, ladies and gentlemen. All the jurors are present and we'll proceed with the closing argument on behalf of counsel for Mr. Kukushkin.

Mr. Lefcourt.

MR. LEFCOURT: Good afternoon, ladies and gentlemen.

Andrey Kukushkin is not guilty. There's no evidence that he intended to do anything illegal.

Who is Andrey Kukushkin? He is educated out of the country, came to the U.S. in '93, naturalized six years later in September of 1999.

He's not registered to vote. He never voted in a U.S. election. He never contributed to any political cause. He has no training or education in campaign finance laws.

You've heard a lot about Andrey Muraviev. We know he was a Russian businessman and Andrey Kukushkin worked for him. I'm going to give you an overview of a timeline here in this case.

Things at the bottom of the timeline is what Mr. Kukushkin didn't know, things at the top is what he did. So from February to July, Parnas and Fruman pursued their gas company, liquid natural gas. They made contributions and they charge it to an AmEx card in June. Unknown to Mr. Kukushkin.

LALTPAR5

Summation - Mr. Lefcourt

1 In June, Mr. Kukushkin begins seeking investment in
2 Oasis. The government didn't mention that.

3 In July, he has his first contact with Parnas. He
4 didn't even know him in June when all those contributions were
5 made.

6 In July is the first discussion of an agreement to do
7 a cannabis business, a joint venture to get cannabis licenses.

8 In August, Kukushkin was pitching, still pitching
9 Oasis to David Correia. Also in August, Parnas, Fruman and
10 Correia feign interest in Oasis, eyeing Muraviev's money.

11 In August, the Parnas and Fruman credit card debt has
12 rolled up to \$495,000 on a card, unknown to Mr. Kukushkin.

13 In September, they have their first meeting in Las
14 Vegas.

15 In September, Kukushkin is left out of loan
16 discussions between Fruman and Muraviev.

17 Also in September, September 18, Muraviev loans Fruman
18 \$500,000.

19 September 19, the very next day, Muraviev's money is
20 used to pay a three-month old credit card bill. The credit
21 card was no longer working. You'll hear about that.

22 In October, Fruman and Parnas and Correia create a
23 phony contribution list to tell Kukushkin and Muraviev how they
24 spent the first \$500,000.

25 Also in October, Kukushkin is left out of the second

LALTPAR5

Summation - Mr. Lefcourt

1 loan discussion between Muraviev and Fruman.

2 The loan of the second 500,000 comes in October, none
3 of it is used for any contributions.

4 November, November 1st, there are two \$10,000
5 contributions. It's not paid for with Muraviev's money.

6 In April 2019, Intellect Capital seeks confirmation of
7 the loan obligation.

8 And in 2020, Intellect Capital and Nilder Investments
9 sought repayment of the two loans.

10 That's an overview of everything. But in 2018,
11 Mr. Kukushkin was trying to raise money for Oasis, you remember
12 the real estate firm with cannabis implications for
13 cultivation.

14 Here's a sample of the communications that Kukushkin
15 had with Fruman: P.S., it would be help us a lot if Leva -- I
16 assume that's Lev -- and you would invest a minimal amount of
17 money in the friends and family round Oasis fund and I could
18 establish advisory board seats before we launch.

19 The government never mentioned Oasis, but that's been
20 going on since June.

21 Deanna Van Rensburg told you how Kukushkin paid for
22 Correia's travel to come out to look at the operation in
23 California. And you remember Kukushkin sent a picture of an
24 Oasis Fund credit card and he says attached find corporate card
25 to be used for travel and lodging needs for David's trip. It

LALTPAR5

Summation - Mr. Lefcourt

1 was never mentioned by the government. And that's what's going
2 on since June.

3 Now Fruman pretended to be interested in Oasis because
4 there's Muraviev down the road. Kukushkin, at the time of the
5 June contributions, hadn't even met Mr. Parnas.

6 This is the first meeting, it's by text, July 7, 2018.
7 They're talking about football, thumbs up Parnas, and Kukushkin
8 wants David's phone number. Obviously, once he gets in touch
9 with David, it comes to him coming out and looking at the Oasis
10 operation.

11 So before Kukushkin ever meets Parnas, there's all
12 these contributions, contributions that have nothing to do with
13 the cannabis or joint venture about getting licenses, it always
14 has to do with Global Energy Producers.

15 These are some of the receipts. Every one of them you
16 look at, Global Energy Producers, they were promoting this
17 energy company with contributions, thinking if you made enough
18 contributions you would be introduced to the right people. One
19 after another, it's all before Global Energy Producers. It has
20 nothing to do with Oasis, Muraviev, or Kukushkin.

21 And even in November 1st, 2000, two contributions of
22 \$10,000, Global Energy Producers, they're going to Republican
23 candidates, who, by the way, are opposed to cannabis. It's
24 about Global Energy Producers.

25 So the campaign finance rules, we have been talking

LALTPAR5

Summation - Mr. Lefcourt

1 about them a lot. Why? Because the government claims that
2 Kukushkin knew the campaign rules out of nowhere with no
3 evidence. These rules are very complicated. You heard from an
4 FEC official that his training was significant, was months,
5 daily. He didn't know about campaign finance laws before he
6 started training, and still there are times when he has to seek
7 help.

8 Here's his testimony, Michael Hartsock. Could you
9 tell us about that program? Certainly. It was about a two- to
10 three-month training program where we learned how to review
11 reports, what to look for, and of course, we are were trained
12 on the internal policies of the Federal Election Commission.
13 It was Monday through Friday.

14 And what about Adam Laxalt? Here's somebody who was
15 the Attorney General of Nevada, the highest legal officer in
16 the state. He is asked a question: Would you agree that a
17 corporation that has foreign shareholders can still make a
18 \$10,000 contribution to your campaign? I'm not sure about
19 that.

20 I think it's an honest answer. The rules are
21 complicated.

22 And you can have thousands of foreign shareholders
23 that are part of that company and the company still makes a
24 contribution to your campaign, no problem, right?

25 Honestly, I never addressed the issue, but I'm just

LALTPAR5

Summation - Mr. Lefcourt

1 not sure.

2 The rules are complicated, and unless somebody tells
3 you the rules or explains them to you, or you read about them,
4 you don't know.

5 So because nobody ever waved a form in front of
6 Mr. Kukushkin, because he never made a contribution in his
7 life, he wouldn't have read a form. Nobody explained a form.
8 There's no evidence of any of that.

9 This is a stipulation with the government: There's no
10 record of Andrey Kukushkin having ever made a political
11 contribution or donation. And by the way, Hartsock told you
12 it's easy using their computers to find out who made
13 contributions and to who.

14 And secondly, Andrey Kukushkin is not registered to
15 vote and there's no record of him having ever voted. Also
16 something that could be established very easily. So here's
17 somebody who is foreign to the process, and he's also from a
18 foreign country, and he's dealing a lot with a Russian
19 businessman.

20 So from February to June there's all these
21 contributions being made by Parnas and Fruman on behalf of
22 Global Energy, and in May and June, Kukushkin trying to get
23 investors into Oasis Fund and even into July and August.

24 So here's David Correia talking to Fruman. Had a very
25 good phone call with Gerry Greenspoon. Andrey -- and this

LALTPAR5

Summation - Mr. Lefcourt

1 Greenspoon Marder are some of the top cannabis corporate
2 attorneys today on the West Coast -- everything went well. We
3 scheduled a meeting in San Diego on Friday with them for a
4 face-to-face meeting to begin the process of the company
5 retaining Greenspoon Marder for legal services. Andrey is
6 flying me out to be at the meeting and then to go up to San
7 Francisco with him Friday/Saturday for other meetings and to
8 see some of their operations. Good things moving forward, and
9 now rather quickly.

10 That's what Kukushkin was doing, getting involved with
11 Greenspoon Marder, cannabis attorneys, in July and August,
12 still trying to raise money.

13 Now here's a conversation with Mr. Fruman,
14 Mr. Kukushkin in the top box it talking about Oasis teaser,
15 which is some promotional materials, then he says: My size of
16 the relevant projects. I am closing the investors' round. I
17 left a seat for you on the board of directors. Fruman plays
18 along, but don't forget, they're in desperate need of money.

19 Fruman and Parnas send pictures about how connected
20 they are, how important they are, all to drive up the interest
21 in a joint venture, but most of all, to get money.

22 And here's an outline of the joint venture by
23 Mr. Kukushkin. He says photos won't do on the left-hand side.
24 We'll create a managing LLC company, 50/50. This is for a
25 joint venture to get licenses in the cannabis arena. Parnas

LALTPAR5

Summation - Mr. Lefcourt

1 and Fruman are holding themselves out as connected and experts.
2 And on the right side, the goals is to quickly take control of
3 a network of licenses for stores in California with real estate
4 to buy or lease long term. And at the bottom, Andryuka's money
5 will be paid back first. That's his idea of the joint venture.

6 Then later he's talking to David Correia about his
7 priorities, because Correia requests a list for the joint
8 venture of what your priorities are. Correia: I hope you had
9 a good rest of the weekend. I'm back in Florida and available
10 this afternoon to discuss further the structure we spoke of on
11 Saturday. I do need the comprehensive synopsis of all current
12 needs for the operation, as we mentioned.

13 By the way, none of this is mentioned by the
14 government in their opening. None of it. Because that's what
15 Kukushkin and Muraviev were focused on. There's nothing to do
16 with June contributions when they didn't know they were going
17 on.

18 Correia is back at Kukushkin. I had on my list today
19 review the proposal you were sending over. And Kukushkin says
20 he wouldn't call it a proposal, rather a list of priorities for
21 the existing project and overall plan to join forces and open
22 new retail locations together.

23 This is an email, August 2nd, from Kukushkin to
24 Correia. It's Defense Exhibit B1. You should read what is on
25 Kukushkin's mind. Let's look at some of it. I strongly

LALTPAR5

Summation - Mr. Lefcourt

1 suggest we use the equity opportunity ad hoc and engage our
2 lawyers to prepare application. Then he says corporate
3 cannabis lawyer needed ASAP. Cannabis attorney needed to apply
4 for business operating licenses. In this email he quietly lays
5 out his need for legal advice, to do the right thing, to get
6 applications.

7 Then at the bottom with tax attorney. That's what he
8 cares about, getting licenses the right way.

9 Correia sees an opportunity to go after the big bucks.
10 From Correia, he's going to retain GM, that's Greenspoon
11 Marder, for everything in California and Nevada. Perfect
12 marriage. I think we're in a great spot with them for
13 partnership and some other ideas I ran by Lev for big Andre,
14 too. I'll let them discuss with you. It's always been about
15 big Andre.

16 So here we are again back with Kukushkin and Fruman,
17 Kukushkin wants to know how you like the teaser for Russian
18 investors. Laughs. Fruman says great. Fruman says we will
19 discuss. Kukushkin is trying to raise money, then Fruman says
20 calls Saphira. That's Saphira Galoob, who is a cannabis
21 lobbyist.

22 So how did they look at Kukushkin? They looked at him
23 as unsophisticated, inexperienced, a rube, somebody they could
24 get over on. And they were going after Muraviev, they wanted
25 to get Kukushkin out of the way.

LALTPAR5

Summation - Mr. Lefcourt

1 This is the real conspiracy in this case. Here's
2 Correia to Parnas: Great opportunity with these guys since big
3 Andre is funding. However, it is obvious I'm going to have to
4 spend more time on this than originally planned. These guys
5 are not smart businessmen and the one issue I'm dealing with,
6 which began last night, is literally retarded. I think Andrey
7 Kukushkin is a really good guy but needs a lot of hand holding
8 on some very easy issues. This creates a great opportunity for
9 us because they need this help, but I'm not sure how to find
10 enough time along with everything else, et cetera.

11 This is what this case is about: Get that money. Why
12 would you want to be in a joint venture with someone who you
13 think is retarded, who is not a good businessman? You
14 wouldn't.

15 In September, before the money -- the first loan
16 comes, Parnas and Fruman are desperate for money. This is some
17 texts between them.

18 Igor: Did the money arrive?

19 Steven: Not yet. Hopefully soon.

20 Steven: Still didn't come.

21 Igor: They need that money.

22 And what did Deanna Van Rensburg say about this
23 financial situation at that time for Fruman and Parnas?

24 At some point you were concerned that you couldn't pay
25 for your children's school, correct?

LALTPAR5

Summation - Mr. Lefcourt

1 Yes, correct.

2 And you were concerned that you would have to move
3 back in with your parents?

4 Yes, correct.

5 There was a great deal of desperation about money at
6 that time, correct?

7 Yes, sir.

8 Would you constantly be asking Mr. Fruman and Parnas
9 will we get money today?

10 Yes, sir.

11 And you were texting them: Will we get money today
12 regularly?

13 Yes, sir, I did.

14 And that two out of three accounts were negative, do
15 you remember saying that?

16 Yes, sir.

17 They were overdrawn in two accounts. So would it be
18 fair to say everybody was desperate for money around there?
19 Yes.

20 That's the situation. Desperate.

21 So Fruman calls Muraviev directly, ignoring Kukushkin,
22 always don't need him. And Fruman convinces Muraviev to lend
23 \$500,000. There's a written agreement, legal agreement between
24 them, no evidence that there is any involvement whatsoever of
25 Kukushkin in that.

LALTPAR5

Summation - Mr. Lefcourt

1 Their prayers are answered. Look how they react when
2 the \$500,000 loan comes in. Finally. Mr. Fruman with all of
3 his emojis, David Correia: Excellent. Lev Parnas: Their
4 prayers are answered. Correia: Great work, great teamwork.
5 Indeed, great teamwork.

6 When the money comes in, Kukushkin finds out there's
7 money being transferred. What does he say about it? Do you
8 already know from where 500,000 be given to them, Sasha? I
9 think it's necessary to transfer Greenspoon Marder to the trust
10 account. He wants the lawyer's trust account to take care of
11 the money with clear directions. It's not going to Global
12 Energy Group, it's going to their joint venture, but he doesn't
13 know.

14 So on September 18, the money is transferred, the very
15 next day the first loan money, \$494,415.21. That's on the
16 American Express card. The card is no longer operable, you
17 heard Van Rensburg, they freeze the card. This is months of
18 charges, including a lot of the June contributions that they
19 made, for Global Energy Producers.

20 These are some of the expenses on that card in various
21 things, luxury goods, clothing, jewelry, they are Global Energy
22 contributions, and expenses in June are on the card. So the
23 500,000 was transferred for cannabis purposes but they
24 immediately took it and used it for personal things, to pay an
25 overdue bill, credit card.

LALTPAR5

Summation - Mr. Lefcourt

1 Within a few weeks after September 18, transfer of the
2 \$500,000 loan, they need more money and they're desperate
3 again. This is what has gone on September 26 through
4 October 1st.

5 Van Rensburg: Will we be getting money into this
6 account before the end of the week?

7 Fruman: Yes.

8 Van Rensburg: Hello? Will we be getting money in
9 today?

10 Van Rensburg: We are negative in two out of three
11 accounts.

12 Van Rensburg: I hope you had a lovely weekend. Will
13 we be getting money in today definitely? Sorry could keep
14 pestering you about this.

15 MR. SCOTTEN: Your Honor, objection.

16 THE COURT: Hold on.

17 MR. SCOTTEN: Actually, I think that was not in
18 evidence. I think counsel just put something up that is
19 literally not in evidence.

20 MR. LEFCOURT: I can't hear.

21 MR. SCOTTEN: That is not in evidence. I don't know
22 what that is. I have been trying not to object but I think
23 we're literally not in evidence.

24 THE COURT: Which exhibit did it refer to?

25 MR. LEFCOURT: Defense Exhibit CR3.

LALTPAR5

Summation - Mr. Lefcourt

1 May I continue, your Honor? We could have a charge, a
2 limiting instruction if necessary.

3 THE COURT: Okay, go ahead.

4 MR. LEFCOURT: So what did they do with the first
5 \$500,000 loan? They spent it all on paying off their
6 experiences that they were desperate to deal with. Nothing was
7 spent on the cannabis joint venture, nothing about licenses.

8 And Kukushkin and Muraviev want to know what happened
9 to the first 500. Muraviev said we haven't spent the first 500
10 in accordance with the plan. Let's move step by step. He
11 doesn't know what they spent it on. And Kukushkin says we need
12 to reserve a budget for company development to open the shops
13 and find the real estate. This is very expensive part and it
14 cannot be ignored. But this, most importantly at the bottom,
15 it would be good for us to see the results after the first 500
16 in order to keep sowing more.

17 What did you do with the first 500? Parnas and Fruman
18 are desperate for money at that time and they are now being
19 questioned: What did you do with the 500,000 for the benefit
20 of the joint venture? They come up with a totally phony,
21 made-up, three-page document claiming that they used the money
22 for these contributions. Here's New Jersey, the highlighted,
23 they made a contribution on October 1 to Frank LoBiondo for
24 \$50,000. It's a total lie. Never happened. The government
25 has agreed that there were no donations during this period.

LALTPAR5

Summation - Mr. Lefcourt

1 The bottom one, Peter Kilmartin, October 1st, 50,000.
2 Lie. Never happened. They came up with this to explain what
3 they did with the first 500 and it's all lies.

4 New York, Kirsten Gillibrand, 35,000, lie.

5 Keith Wofford, 30,000, lie.

6 Andrew Cuomo, Governor of New York on October 5,
7 \$125,000. It's a total lie, it never happened. It's done to
8 try to get more money out of him and explain what they did with
9 the first 500,000.

10 And it goes on. Florida, more lies on September 23rd,
11 Brian Mast, 15,000, never happened. Rick Scott, 9/25, 100,000,
12 total lies.

13 Nevada, same thing. Lies.

14 California, Kevin McCarthy, 125,000 on September 26.
15 It never happened. It's a total lie.

16 This whole document, every word on it, is fabricated.
17 Fabricated, the government agrees, none of these contributions
18 were made on those dates. Fabricated for one reason: To get
19 money. Lies.

20 Texas, Pete Sessions, 150,000. No, no, never
21 happened. Lies.

22 America First, didn't happen.

23 And you could see the stipulation with the government,
24 these were the contributions that were made. Nothing in
25 September and October, it was all lies.

LALTPAR5

Summation - Mr. Lefcourt

1 What about the second loan? Kukushkin is trying to
2 get money for the cannabis business. And the second loan, he
3 says it should probably go to our new company. It doesn't.

4 Where does the second loan go? \$100,000 and the
5 second 500 goes directly to Fruman for personal stuff.

6 Global Energy Producers, a company Kukushkin and
7 Muraviev are totally not associated with, have nothing to do
8 with, they give \$263,000.

9 They pay another American Express card bill, which by
10 the way, is full of the same old, their lives, how they're
11 living on somebody else's money, golfing, spas, restaurants,
12 private jets. No contributions on this credit card, on this
13 money, on the credit card that they paid for 79,000. And FD
14 Import and export gets 33,000, and then there's some East Coast
15 distributors, nothing goes to any contributions.

16 So the testimony of Kimberly Espinoza, after reviewing
17 all of those records: You came to the conclusion that the
18 money was from the Strauss Coffee, correct?

19 Initially, yes, that's correct.

20 What's that about? She's trying to figure out how the
21 two \$10,000 on November 1st to Nevada politicians, whether it
22 was paid with that money, and she came to the conclusion it was
23 from money that came from Strauss Coffee.

24 And so question: I have one final question for you,
25 Ms. Espinoza. As you sit here today, you are unable to say

LALTPAR5

Summation - Mr. Lefcourt

1 definitely what the source of the funds to pay the Laxalt and
2 Duncan contributions were, is that correct?

3 That's correct.

4 That's important because they claim that that money
5 was paid for the contribution, but she couldn't say that.

6 And when Kukushkin asked for travel, if you remember,
7 to go to Miami, they have already received all this money.
8 They of course refuse, maybe they don't have it, it goes in and
9 out so quick.

10 Fruman asks for another \$2 million from Muraviev.
11 That's the end for them. Muraviev is not going any further.
12 And obviously, it's turning into something else.

13 Kukushkin had no role in the money spent, the money
14 loaned. It all is outside of him. And Fruman and Parnas never
15 pay back the one million dollars.

16 So there's a conspiracy to do what? What Kukushkin
17 and Muraviev wanted was a joint venture with the cannabis
18 business to get licenses across the country, to buy companies
19 with licenses, to get their licenses. And what do we have?
20 Just ripped off. There was no agreement to commit a crime.
21 Any agreement was for the cannabis business. And obviously,
22 one party was totally pretending, pretending to be interested
23 in the cannabis business, pretending to be a partner when they
24 thought that the people they were dealing with weren't good
25 businessmen, were retarded. It's all about a rip off.

LALTPAR5

Summation - Mr. Lefcourt

1 Despite thousands and thousands of texts and emails
2 and whatever, all the pages, is there one conversation
3 involving Kukushkin with foreign nationals or about foreign
4 donations or about straw donations? There's no conversation
5 about that. It was not in his mind.

6 The goal was licenses, not contributions. Even
7 Muraviev. We were supposed to go to work on obtaining licenses
8 at these states. And then he says: Yesterday Igor told me
9 that two more million need to be allocated for other states.
10 It was not in our agreement.

11 Kukushkin: You perfectly know that the ball is in
12 your court to continue with planned licensing.

13 There's no criminal agreement to make donations. The
14 only reason donations were discussed was because of the phony
15 three-page document where they claim that's what they did with
16 the 500,000.

17 There's an actual legal loan agreement. It's in
18 evidence. And this is what the government and the defense
19 agreed about the outstanding loans:

20 In April, 2019, Intellect Capital (Cyprus) Limited
21 sought to confirm that FD Import & Export Corporation owed
22 Intellect Capital (Cyprus) Limited repayment of 500,000 with
23 interest.

24 And then the second bullet: In March of 2020,
25 Intellect Capital (Cyprus) Limited and Nilder Investments

LALTPAR5

Summation - Mr. Lefcourt

1 Limited sought repayment of the one million dollars transferred
2 to FD Import & Export Corporation bank account on September 17,
3 2018 and October 12, 2018, respectively.

4 They wanted their loans back, repaid. It had nothing
5 to do with a conspiracy to donate illegally.

6 Andrey Kukushkin had no criminal intent whatsoever.
7 He was trying to do the cannabis business. He has no political
8 experience. He never made any donations. No evidence he saw
9 or read one of those forms which has information on it that one
10 could learn something. No evidence he knew anything about
11 campaign finance rules, including foreign nationals or straw
12 donations. There's no evidence he even know the contributions
13 were being made at the time they were made.

14 Again, he didn't meet Parnas until after June. No
15 knowledge of this stuff.

16 (Continued on next page)

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Summation - Mr. Lefcourt

1 MR. LEFCOURT: And no evidence that he knew Muraviev's
2 money was used for his overdue June credit card bill that had
3 the contribution charges. He thought the money was for
4 cannabis. He wanted the money sent to an attorney's trust
5 account.

6 Now Parnas and Fruman represented themselves as
7 associated with the president, the president's lawyer, and all
8 these important people, and just like Van Rensburg, it looked
9 good on the surface, even though it was all baloney.

10 So let's talk about Russian Roots.

11 At the time of the formation of the joint venture
12 company, there was a discussion as to whether it should be a
13 C-corporation or an LLC. Two different types of entities. And
14 that's what's being discussed in this so called Russian Roots
15 email.

16 Mr. Kukushkin says, Moscow — which is where he was —
17 is beyond beautiful in September, whilst I'm catching up with
18 colleagues and investors. Stephen did make a good argument
19 about personal liability protection under C-corporation
20 formation, which wasn't necessarily the case in certain states
21 under LLC, the other type. I'm just confirming my
22 understanding, unless I missed some other purpose for it.
23 Please advise. I believe what's left was for Igor, Lev to
24 establish who was going to be shareholders of the NewCo and
25 could we all use LLCs as our proxy in it. Then he says I'm

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Summation - Mr. Lefcourt

1 just trying to establish a core structure and how transparent
2 should Andrey be exposed for the benefits of NewCo
3 transparency. His Russian roots and current political paranoia
4 about it.

5 So, on this email, the top, is John Sinadinos. John
6 Sinadinos is his attorney, and you know that from Brad Hirsch's
7 testimony, who said he formed these entities for Kukushkin and
8 Muraviev, and that he was given those to take over the
9 representation of those entities by John Sinadinos's lawyer.
10 So he has this on the email. This doesn't relate to anything
11 wrong or nefarious. This relates to the political paranoia
12 that was going on at the time in September of 2018.

13 And we have a stipulation with the government about
14 that. The investigation conducted by Special Counsel Robert
15 Mueller into Russian meddling in the 2016 election began in
16 2017 and continued through March 2019. The investigation
17 garnered extensive media attention and, at times, daily
18 reporting. It's easy to understand if you're a Russian when
19 press is bombarding every day about how Russians were meddling
20 and Russians were doing this. Of course it's a concern.

21 The government argues some nefarious point about this?
22 It's what a normal businessperson would do to think about.
23 It's hard enough to get licenses. A wealthy Russian
24 businessman being associated. The goal was licenses. Had
25 nothing to do with contributions. This is about normal

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Summation - Mr. Lefcourt

1 concerns, political paranoia, nothing to do with donations.

2 And the same with Muraviev. There is no -- he didn't
3 know anything about any of this. He's a Russian businessman,
4 not even on that Russian Roots email. No evidence he saw or
5 read the Daily Beast article, which talked about Trump's mega
6 donors. The article never mentioned the word foreign, never
7 mentioned the word straw donor. If he read it, if Kukushkin
8 read it, which there is no evidence of, there would be evidence
9 if it was something they were concerned about, they would text
10 about it, we would see the text. It has no relevance. It's
11 just something raised out of fulcrum.

12 And his board seat in some public marijuana company.
13 When was he made a board member? What was his role? I mean,
14 what does this have to do with this case?

15 Again, Parnas and Fruman appeared to be legit, they
16 had sent all these pictures.

17 So what is Kukushkin's knowledge? You know parts of
18 it. What's in his head? Licenses. That's what's in his head.
19 His cannabis business, trying to grow it.

20 What else? He had no knowledge of what Parnas and
21 Fruman were up to, taking money for one purpose and using it
22 for some other purpose.

23 He had no knowledge that contributions were made in
24 June. The contributions he was told about was that phoney
25 three-page statement in order to get more money, a list of

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Summation - Mr. Lefcourt

1 contributions that were false and never made. Again, nothing
2 about campaign finance rules, no evidence that he ever
3 discussed them, no one he knew knew anything about it. That's
4 the state of what his knowledge is.

5 There is not a doubt, there is overwhelming doubts.
6 You just think about all these issues. It's Kukushkin, who
7 repeatedly asked for lawyers, wanting lawyers on emails,
8 wanting money sent to lawyers. Reasonable doubt.

9 Kukushkin had thought the money for the cannabis
10 business. Reasonable doubt. Didn't know it was being used for
11 anything else.

12 Was this a big fraud? Was there ever a meeting in the
13 minds? Reasonable doubt.

14 Nothing about the campaign finance rules, not a single
15 statement. Reasonable doubt.

16 Parnas and Fruman, very politically connected, it
17 looked good on the surface, it looked good that there could be
18 a joint venture to help get licenses across the country.
19 Reasonable doubt. On and on.

20 Each and every one of you has taken a solemn oath to
21 do this work in the right way. This is not about guesswork,
22 it's not about speculation, it's not about, oh, I think it's
23 probably true. No, it's proof beyond a reasonable doubt, and
24 there just isn't any. The evidence is totally insufficient.
25 Reasonable doubt. It's like saying not proven. That's what

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Summation - Mr. Lefcourt

1 this case is, not proven.

2 Thank you.

3 THE COURT: Thank you, Mr. Lefcourt. Do you want to
4 take a break or do you want to --

5 MR. SCOTTEN: I think given the nonevidence issues, a
6 slight break might be in order, your Honor.

7 THE COURT: Why don't we take a five-minute break,
8 folks. Please leave your notepads on your chairs and we'll
9 resume with the final closing argument when you come back.
10 We'll be in recess for five minutes.

11 (Jury not present)

12 THE COURT: You may be seated. So I think it's
13 correct that DXCR3 is not in evidence; is that right?

14 MS. FRIEDMAN: You are correct, your Honor. What
15 happened was Mr. Lefcourt cross examined Ms. Van Rensburg with
16 it, she said every single thing that was in there, and as a
17 result, he actually never offered it. But it's almost word for
18 word consistent with the testimony that she provided in this
19 case and therefore there is absolutely no prejudice. I mean,
20 it's literally exactly consistent with her testimony. And I
21 believe that's the testimony that Mr. Lefcourt presented to the
22 jury, question by question, during the Power Point
23 presentation.

24 THE COURT: Was it actually quoting testimony? It was
25 actually lifted apiece of the exhibit incorrectly, right.

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Summation - Mr. Lefcourt

1 MS. FRIEDMAN: Exactly. The quotes from the testimony
2 were also included in the presentation. I can give your Honor
3 a page number from the testimony. It's exactly the same
4 testimony.

5 MR. LEFCOURT: I believe what happened, your Honor, is
6 I had the exhibit in front of me and I asked her those very
7 questions and she gave it all to me and I didn't move the
8 exhibit in, but it's identical to what the transcript is.

9 MR. SCOTTEN: That is not even kind of the rules.
10 Among other things, that witness's credibility was attacked.
11 The government would love to say, oh, we're just going to put
12 in a bunch of exhibits because we can get a witness to testify
13 to the same thing, right, an exhibit, a text, something
14 contemporaneous has far greater force.

15 I should also note, also in the defense closing not in
16 evidence, Government Exhibit 136. Also, in its closing, not in
17 evidence, was a statement as to who Saphira Galoob was. There
18 was no dispute on that, it's just they kept trying to get it
19 in, they kept asking questions, nobody knew, so it's not in
20 evidence.

21 MS. FRIEDMAN: I'm sorry, your Honor -- Russian Roots
22 email --

23 THE COURT: Sorry?

24 MS. FLODR: The government didn't offer the Russian
25 Roots email? They talked about it in their --

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Summation - Mr. Lefcourt

1 MR. SCOTTEN: No, we offered 137, which was actually
2 the more complete version.

3 THE COURT: So 136 is a subset of 137?

4 MR. SCOTTEN: Correct.

5 MS. FRIEDMAN: Yes.

6 MR. SCOTTEN: Well, look, we're not going to get any
7 remedy because we're the government. It's just how it is. And
8 I'll note throughout his closing, as forecast, Mr. Lefcourt
9 argued this is how it is -- I counted four times, this is how
10 it is. This is what's happening with exhibits that the Court
11 admitted solely for effect on the listener. I'm not actually
12 sure what point to make, other than Mr. Roos needs a little
13 more time to prepare, but this was exactly the abuse that was
14 forecast.

15 I am reminded of another cranky AUSA who once told a
16 defense attorney, look at the floor, do you see the carpet,
17 that means you're in federal court. This shouldn't happen
18 here. That was not an appropriate presentation. I guess we'll
19 just take five more minutes and hope the jury doesn't get
20 confused about it.

21 THE COURT: You're not asking me to say anything at
22 this point?

23 MR. SCOTTEN: I mean, we'll think about it, your
24 Honor, real quickly, but I don't want to call more attention to
25 it. We'll just point out that he was making stuff up.

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Summation - Mr. Lefcourt

1 THE COURT: Okay.

2 MR. LEFCOURT: What exactly did I make up?

3 THE COURT: I'm not going to get into it now --

4 MR. SCOTTEN: Actually, that is a good point. One
5 thing we do want to think about is, again, as everyone said
6 would not happen, we just saw an attempted advice of counsel
7 defense. You can't say, look, he is trying to do the right
8 thing, look at all the lawyers he's reaching out to. That's an
9 advice of counsel defense. So we might think briefly of an
10 instruction on that. The Court said -- and it was the first
11 time I saw a court be this generous, well, you can talk about
12 lawyers in the background. He went beyond that and said, look,
13 he's trying to do the right thing, look at these lawyers he's
14 reaching out to with no effort, no effort to make out the
15 elements of an advice of counsel defense and no disclosure of
16 whatever attorney-client advice he supposedly relied on, which
17 is a necessary component of an advice of counsel defense.

18 THE COURT: Well, I mean, I did allow the fact that
19 lawyers are on communications as to the extent it could be
20 probative of someone not doing something they felt was criminal
21 because they presumably wouldn't have lawyers around, not for
22 advice of counsel, and it's a subtle distinction, but I don't
23 think he crossed that line. So I'm not going to do anything
24 with the advice of counsel. But Mr. Roos will be able to
25 respond to the other points.

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Summation - Mr. Roos

1 MS. FRIEDMAN: Your Honor, with respect to the
2 exhibit, it's transcript pages 808, lines 14 to 23, and 809,
3 line 1 through 4.

4 THE COURT: All right. Thank you. I'll be back in a
5 couple minutes.

6 (Recess)

7 THE COURT: Shall we bring in the jury?

8 MR. SCOTTEN: Yes, your Honor.

9 MR. BONDY: Yes.

10 THE COURT: The jury will be brought back into the
11 courtroom.

12 (Jury present)

13 THE COURT: Please be seated. Good afternoon, ladies
14 and gentlemen. We'll now have the rebuttal closing argument of
15 the government. Mr. Roos.

16 MR. ROOS: Thank you, your Honor. Good afternoon,
17 everyone. I'm the last lawyer you're going to hear from today,
18 or ever in this trial.

19 The defense spoke for maybe three hours and you've
20 heard a lot of arguments. They spoke with passion, they spoke
21 with outrage sometimes, they had some beautiful slides,
22 beautiful timelines, none of which is actually evidence, but
23 they showed it to you and they're a committed advocate to their
24 client.

25 I want to make something clear, just because someone

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Summation - Mr. Roos

1 speaks loudly, just because someone has a nice slide deck, a
2 timeline, that doesn't mean that's evidence. Those are
3 arguments. What you're going to focus on when you go back into
4 the jury room, that's evidence. That's what matters, that's
5 what the truth will be based on, and so evaluate the evidence.

6 Also, think critically about the lawyer arguments,
7 think about what they said, think about what they didn't say.
8 The defense, they have no burden to put on any sort of
9 arguments at this trial, but when they do make arguments, you
10 should test those arguments, you should evaluate them. Do they
11 stack up to the evidence.

12 Here, you're going to see two things. They're not
13 consistent with the evidence, and there is also a lot of
14 evidence out there that they just didn't talk about. So let's
15 go through it, let's get into it, let's start doing some work.

16 There are two questions, it's interesting, both
17 defense attorneys raised a question in the middle of their
18 summations maybe two-thirds of the way through, and I want to
19 talk about them.

20 One of the defense attorneys said, is there a
21 conversation about a foreign donation, and the other one said,
22 it has nothing to do with foreign nations, is there any
23 evidence of that. And so, maybe that's really the question.
24 That, of course, is the conspiracy question, is this about an
25 illegal agreement to make donations. And I don't have a

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Summation - Mr. Roos

1 timeline, but I do have one slide, it's not very fancy, but
2 Ms. Drescher, could we have it.

3 So here it is. This is the evidence, folks, about
4 what this was all about, was about making donations. This is
5 the evidence that's enough to convict these two men, these two
6 defendants for conspiracy to commit the violations alleged in
7 Count One of the indictment.

8 Because, what are they talking about here? One
9 million to fund our future enterprises, they're talking about
10 500 for donations in these states. One million to Lev and
11 Igor's company to cover all the contributions as planned, to
12 cover all the donations whatsoever. These are indeed four
13 donations from us. The money transferred by Andrey to Global
14 Energy was to support the very specific people and states per
15 Igor's table.

16 This is the evidence. Let's talk about the arguments.

17 Start your deliberations with Count One, not because
18 it's first, but because it's something you can render a guilty
19 verdict quickly and move on, because the defense arguments you
20 heard, they're not responsive to Count One. Count One requires
21 you to find that there was agreement to make foreign donations.
22 That's it. An agreement.

23 MR. LEFCOURT: Objection. That's not it.

24 THE COURT: I'll explain in detail what all the
25 elements are.

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Summation - Mr. Roos

1 MR. ROOS: And you should listen to Judge Oetken's
2 instructions. But Count One requires you to find there was an
3 agreement that they all joined and they took some act, and the
4 agreement here, as you can see on this slide, was to make
5 donations. And there is tons of evidence of that. Mr. Scotten
6 walked you through it. I'm not going to go through it again.
7 But there is ample evidence that says that this was about
8 making donations.

9 And they're pretty literal about it. It's not nuance.
10 It's fairly explicit and it's all in the messages they
11 exchanged. So keep that in mind. It doesn't matter whether or
12 not the contributions were reimbursed, it doesn't matter
13 whether or not the money was actually traceable to the November
14 1's, it doesn't matter if it was another Oasis business going
15 on. What matters is whether there was an agreement, whether
16 Andrey Kukushkin and Andrey Muraviev said we're going to give
17 money to fund a bunch of donations --

18 MR. LEFCOURT: He can't leave out the rest. It's just
19 improper.

20 THE COURT: Again, arguments of the lawyers are not
21 evidence and they are not my legal instructions. They can
22 summarize my legal instructions, but I will give in detail the
23 legal instructions.

24 MR. LEFCOURT: He can't give incorrect legal
25 instructions.

LALCpar6

Summation - Mr. Roos

1 MR. ROOS: I'm not talking about the legal
2 instructions. You should follow Judge Oetken's instruction of
3 the law. I'm talking about the facts here, and the facts are
4 that there was an agreement between these individuals to make
5 these donations with foreign money.

6 So, now let's talk about some of the defense
7 arguments.

8 Now, if Mr. Lefcourt is to be believed, his client,
9 Andrey Kukushkin, must be a really unlucky guy. Poor Andrey
10 Kukushkin, apparently just wanted to start a business called
11 Oasis that none of us had really heard anything about until the
12 closing arguments, and when he said in June, Andrey will
13 support in dollars, he actually meant the opposite, apparently,
14 and there must have been some sort of understanding. And when
15 he said there will be a bunch of joint activities, he actually
16 meant something else and he was just pretending.

17 Of course, when they all went to Las Vegas in
18 September, Andrey Muraviev and Andrey Kukushkin and Lev Parnas,
19 well, that was just a total coincidence. And of course when
20 they happened to do these loan agreements, well, those had
21 nothing to do with anything and those were private agreements
22 to fund something totally different and those totally unrelated
23 loan agreements corresponded with some of these conversations.
24 Those, of course, apparently had nothing do with donations.
25 And then, when those donations were made to the very specific

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Summation - Mr. Roos

1 people on some of these charts, that, of course, also had
2 nothing to do with anything.

3 Folks, these are some of the premises you need to
4 believe, you need to understand in order to buy the defense
5 argument. And it doesn't really stack up. It's not a total
6 coincidence, it's not a series of unfortunate, unlucky events
7 here. You should not accept this story. It's not what
8 happened.

9 Here's a few questions to think about. If the emails
10 and the text messages were actually about a different business
11 run by Kukushkin, why are there so many messages saying Andrey
12 Muraviev is paying. Wouldn't it be the other way around where
13 they would want Fruman and Parnas to be paying? If Andrey
14 Kukushkin wasn't conspiring to donate Muraviev's money, why is
15 he in so many text messages talking about donations, giving
16 people Igor's table, funding all their planned endeavors. If
17 the \$1 million that's sent over with these loan agreements was
18 actually for personal expenses, why is Kukushkin involved? Why
19 was he talking to Fruman saying things like let's use the old
20 scheme to wire the money. Why was he commenting that they were
21 doing too many contributions, that their contributions were too
22 high, why was he demanding 10 percent of the donation money to
23 be used for travel expenses? The reason donations and
24 contributions keep coming up and everything is because that's
25 what the scheme was about. That's what was going on here.

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Summation - Mr. Roos

1 So while you heard a discussion about Oasis, it's not
2 really something for you to decide. It's a distraction. It's
3 a different story that defense counsel wants to advance to you
4 for the first time. But the core evidence is that they were
5 making contributions, that they had an agreement to have the
6 money cover donations, and that's sort of what's most important
7 in this case, that's the essential fact here for the agreement,
8 is what the purpose of the money was, not whether the donations
9 were ultimately made, not whether there was an agreement to
10 reimburse, but what was behind the agreement.

11 So, I wanted to say one other thing about some of the
12 defense arguments here. There is a little bit of an
13 inconsistency, also, which is something you should keep in mind
14 when you're evaluating these.

15 So Mr. Lefcourt told you that Muraviev made a private
16 loan, it didn't have anything to do with political donations,
17 but he also told you that Muraviev and Kukushkin were victims
18 of a fraud. So think about that. How can you swear those two
19 things? How can it be both the money, the million dollars
20 that's wired wasn't intended for donations, and yet these
21 people were also defrauded when some of the money was used for
22 some other donations? That doesn't make sense.

23 There is also a conflict between some of the arguments
24 made by defense counsel. Parnas says the money was something
25 for totally personal reasons. Kukushkin says it's for Oasis,

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Summation - Mr. Roos

1 right. Their stories are not the same. Again, the conflict
2 there tells you something. These inconsistencies emerge when
3 it's not the true story and it's not consistent with the
4 evidence.

5 Now, folks, there has been a lot of talk about
6 campaign finance laws, right. You've heard questions from
7 defense counsel about all sorts of things. Can foreign
8 shareholders donate money, what about minors, and that was
9 deliberate. Defense counsel has focused a lot of their
10 arguments on just how complicated the campaign finance laws
11 are. And you remember this shtick with every witness they go
12 through, don't you need so much training, isn't it so
13 difficult, how can you ever figure any of this out. If you ask
14 some of these witnesses like Mr. Hartsock, he'll say, yes, it's
15 complex. Some of these things are difficult, they're complex,
16 I needed training. But listen, this is Mr. Hartsock's job.

17 Let me give you an example. Say you go to a
18 university, you find a math professor and you say, is math
19 complex? The guy is going to be like, yeah, I teach college
20 math, math is really complex. But here's another thing, you
21 say to him, what's two plus two, and he'd say, oh, well that's
22 four. And everyone can figure that out, two plus two is four.
23 It doesn't require you to be a math professor.

24 The point here is there is some very basic rules. Use
25 your own money, can't be money from a foreign donor, it's on

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Summation - Mr. Roos

1 every form, we heard testimony from various fundraisers and
2 witnesses that this was sort of obvious and well known. We
3 heard testimony that Lev Parnas spoke to Joseph Ahearn about
4 how somebody else was potentially a foreign donor. It's so
5 obvious to everyone that, many times, it's just sort of
6 understood, and that's because these are relatively simple
7 rules. There are more complex rules, certainly, but that's not
8 what's at issue in this case. When you think about these
9 arguments, think about what the actual evidence shows.

10 So I want to make a few points about that. There is
11 overwhelming evidence that Lev Parnas knows the rules. He's on
12 the president, the President of the United States' fundraising
13 committee. He got an email talking to him about how he was on
14 the committee, and they got the document that was in his house
15 that lays out the rules. It says all these things are a
16 violation, there is an affirmation on there that he has to
17 sign. He's getting all these forms, there is like 15 of these
18 forms in evidence that talk about, this is what you need to do
19 in order to donate, you have to click the box or you have to
20 affirm or you have to initial. And you heard testimony about
21 how he did all that, he got these documents, you saw the
22 emails, the text messages where they're being sent to him where
23 he gets the website, where he gets the form. So there is ample
24 evidence.

25 There is also evidence that Lev Parnas was exchanging

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Summation - Mr. Roos

1 news articles about how various people were being arrested or
2 indicted about the very similar campaign finance violations.
3 There is really no question about this. And he's talking to
4 Andrey Kukushkin. They are communicating about the donations.
5 Andrey Kukushkin has the very article, this Daily Beast article
6 about the complaint against Lev Parnas. He sends it to Andrey
7 Muraviev. And he says in that very article, it describes the
8 rules, right, it describes the violation that Lev Parnas has
9 been hit with.

10 And I want to correct something Mr. Lefcourt said.
11 Mr. Lefcourt said there is no evidence that Andrey Muraviev
12 ever saw that. That's absolutely not true. The very text
13 messages is Andrey Kukushkin texting Andrey Muraviev the Daily
14 Beast article that says, Lev Parnas's company has been hit with
15 an FEC complainant and here are the rules, and it's the same
16 rules that he has violated that he is guilty of violating here,
17 so they knew.

18 How else do you know? Well, sometimes, you're going
19 to hear this from Judge Oetken, actions speak louder than
20 words. So let's look at some of the actions here.

21 If no one knew, why weren't the donations just in
22 Andrey Muraviev's name? If no one knew, why did they have
23 these sort of weird, circuitous loan agreements where the money
24 goes through foreign bank accounts and Igor Fruman says to
25 Andrey Kukushkin, let's use the old scheme. If no one knew,

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Summation - Mr. Roos

1 why is Andrey Muraviev sort of kept behind the veil, not on the
2 corporate paperwork, not invited to the donor events. He's on
3 Lev Parnas's invite for a family celebration, but he's not on
4 the donor lists for the very donor events that Lev Parnas is
5 hosting. The reason is because these guys know the rules.
6 They know what's going on. They're not total rubes like
7 defense counsel would have you believe. And you know that both
8 because they are sent the documents, they are sent the rules,
9 they have the knowledge, and from their own actions, we can see
10 what they're doing.

11 I want to make one other correction while we're on the
12 subject. Mr. Bondy made a comment about Joseph Ahearn and he
13 said go through the Emmanuel Greenspan testimony. This is the
14 part where Lev Parnas said to Joseph Ahearn, hey, this guy,
15 don't touch him because I think he's linked to an oligarch, and
16 also, his money is probably foreign funds. And Mr. Bondy said
17 that the transcript says, I don't remember. Take a look at the
18 transcript. That's actually not what it says. It says, I
19 don't remember specifically, but that sounds right. Ms. Parnas
20 was warning Joseph Ahearn that this was a donor he shouldn't
21 touch. And we know from Joseph Ahearn's actions that he did
22 not touch him then because Parnas gave the warning, Parnas knew
23 the rules.

24 By the way, on the subject of knowledge, there is also
25 this argument that, somehow, Lev Parnas didn't know this guy

LALCpar6

Summation - Mr. Roos

1 was Russian. I want to make a very brief point about this for
2 two reasons. First of all, there is overwhelming reasons that
3 he did. He spent time with him in Las Vegas, he's around him,
4 he chatted with him in Russian. He asked Muraviev and
5 Kukushkin in one of the text messages, when you are you coming
6 back to the United States. He helped one of Muraviev's
7 girlfriends get a visa. Remember when we saw this when
8 Madeline Garcia was on the stand, he's texting, oh, let me see
9 if I can help your girlfriend get the visa, and at the same
10 time, Muraviev says, my son and I got one. It's not an issue
11 that should hold you up.

12 But I mention it for another reason, and that's
13 because defense counsel have advanced these various different
14 arguments, so many different arguments they didn't know he was
15 Russian, they didn't know this, they don't know that, you don't
16 know if he was using a translation app or not. Many of these
17 arguments have no basis in evidence, and the reason they're
18 being made to you is to distract you, to make your
19 deliberations more difficult.

20 I want to tell you something about those deliberations
21 right now. Many of the counts should be very easy. Count One
22 is the conspiracy count, I've already said something about
23 that. It doesn't require for you to find that the funds trace
24 up. It doesn't require that you find that the money was
25 actually reimbursed for the June donations. It just requires

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Summation - Mr. Roos

1 that there be an agreement that they willfully joined and that
2 there was a step in that direction, that is wiring the money.

3 There are other points, there are other counts
4 similarly where the evidence is crystal clear. Count two,
5 Parnas is charged with soliciting, that is asking for the
6 million dollars. You'll notice Mr. Bondy spent very little
7 time talking about that, and that's because the evidence is
8 very clear. It doesn't matter if a donation was made. It's
9 whether he asked Andrey Muraviev for a million dollars, and you
10 know that to be true.

11 Let's skip over Count Three for a second.

12 Count Four, what does the evidence show? There is no
13 question that it was Igor Fruman's loan money, right. It's
14 just whether Global Energy is real, you know, what was going
15 on, but they never disclosed, hey, this is Igor Fruman's loan
16 money.

17 Another thing on Count Four, and this is very
18 important, Mr. Bondy never said anything about that \$11,000
19 donation. There is no dispute apparently in the case that that
20 money was not Lev Parnas's and that it was given in Lev
21 Parnas's name. Same thing for the \$2,700 to Pete Sessions.
22 Seemingly no dispute that that was Igor Fruman's money donated
23 in Lev Parnas's name.

24 So keep that in mind as you're evaluating the
25 arguments. Many distractions, many things are just omitted

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Summation - Mr. Roos

1 because they're unhelpful to the defense case.

2 I said I was going to come back to Count Three.

3 Count Three is making a donation or aiding and
4 abetting a donation by a foreign national. On this, there had
5 been a few arguments about what you can trace. Is there really
6 \$25,000? So let me say something about the two sets of money.

7 Let's start with the money that is donated before the
8 first wire. So Kukushkin is in Miami in late May, he sees
9 Fruman and Parnas. On his way out of town, he thanks them for
10 their hospitality. A few days later, he makes them a promise,
11 Andrey will fund with dollars. And from that point forward,
12 Fruman and Parnas make a lot of donations. And they did that
13 because they have an agreement. Maybe not even an agreement at
14 this point, they have a promise, and that's what really
15 matters, right, they have a promise of reimbursement.

16 And let's take a look at that promise. Ms. Drescher,
17 could we look at Government Exhibit 58-A-84-T. And look at the
18 middle chat, folks. We need to clearly understand what our
19 status is today. We handed out a lot, we did a lot, and we
20 took on even more responsibilities to do before November 6. We
21 had no doubt that the funds would come according to the set
22 schedule.

23 So, they had always planned that some money was going
24 to be laid out, right. As soon as they met in June, they then
25 start making these bunches of donations. They make them to

LALCpar6

Summation - Mr. Roos

1 important people in this venture, to DeSantis, who later
2 becomes a very important person in their plan to get licenses
3 in Florida. We can take this down. And so it's no surprise
4 when the bill becomes due, right. And this is important
5 because those donations from June and July, they're about
6 \$136,000. So that's enough to find the \$25,000 threshold.

7 But there is also the later contributions. Before I
8 get there, I want to say something. Mr. Lefcourt kept telling
9 you, these guys never met until August, right.

10 MR. BONDY: July.

11 MR. ROOS: July. Here's the deal, not true. Here's
12 how you know. There is a text message that says - and
13 Mr. Scotten talked about it - where Andrey Kukushkin says to
14 Igor Fruman, the only people I recognize are you, Donald -
15 Trump - and Lev. And what does that tell you? That means they
16 met before. They met when he was in Miami in June.

17 Here it is. And so you know, you know there is an
18 earlier meeting. You know there is a promise at this point to
19 make donations. We know it because Igor Fruman says it not
20 once, but twice. He sends that text message, that WhatsApp to
21 the whole group, he repeats it. So there is a commitment to
22 refund these past donations.

23 What did Kim Espinoza show you? She showed you once
24 the money came in, it immediately went to pay that credit card
25 bill. And sure, it's got a lot of other stuff on there, no one

LALCpar6

Summation - Mr. Roos

1 is disputing that, but it has \$136,000 in donations which is
2 consistent with the promise and agreement that was made
3 earlier.

4 Let me say something else with the later
5 contributions. Kim Espinoza very candidly said to you, I can't
6 trace a linear line, one to two, between the second \$500,000
7 wire and Adam Laxalt and Wes Duncan. But the finances are not
8 the only evidence in this case. There is also the text
9 messages, and we saw the messages that said the intention here
10 for the second wire is to fund people, like in Nevada.
11 Mr. Scotten walked you through all of that. Kim Espinoza never
12 saw those messages. So just because she can't trace the money
13 from A to B, that doesn't mean it wasn't the benefit of the
14 defendants' work. It doesn't mean it didn't go to their
15 efforts to make donations.

16 Let me give you like a straightforward example of
17 this. It's your birthday, someone gives you a \$50 bill and a
18 card and says, take yourself out to a nice meal. You slip the
19 \$50 bill into your wallet because you're in the middle of doing
20 jury service on a trial and you don't have time to go out to
21 dinner. It's with the rest of your cash, it gets mixed in.
22 Two weeks later, jury service is over and you go out to dinner.
23 You charge it on your credit card and you send your friend a
24 photo from the dinner thanking them for the present. No one
25 would say, well, hey, your friend, they didn't pay for that

LALCpar6

Summation - Mr. Roos

1 dinner because you used the credit card, right. We all know
2 that in our everyday lives, money is what we call -- what the
3 forensic accountant called fungible. Just because there is not
4 a one-to-one tracing, that doesn't mean that's not the intent.
5 When you look for the intent, look to the messages. You don't
6 need a forensic accountant to tell you what the intent is. The
7 messages and your own common sense will tell you that.

8 I'm getting close to the end, folks. I want to talk
9 about a few other sort of dribs and drabs, things here and
10 there.

11 So one, Mr. Bondy made a lot out of this August phone
12 call. What do we make of this? It was a Government Exhibit.
13 It's one in a series of phone calls. Now Mr. Bondy said this
14 is some sort of turning point because this is when this private
15 loan is apparently hatched. Now, there is no evidence of that,
16 and it's also inconsistent with all the other messages out
17 there with all the other evidence about how they were planning
18 to make donations. Every single message, it was the first five
19 hundred, second five hundred, four donations. Don't have to
20 speculate. You'll have the texts, they'll be available to you,
21 they'll go right back with you when you begin to deliberate.

22 You also heard from both defense counsel sort of a
23 question, why would they be donating to the people they were
24 donating to if this was about cannabis? There is really two
25 reasons that we can see from the evidence. One is you support

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Summation - Mr. Roos

1 the guys who you think are going to win. People pick winners.
2 So if you're in Nevada or you're in Florida, you think the two
3 republican candidates were going to win, and they were 50
4 percent right, you want to get behind the person who you think
5 is going to win. And we saw that evidence in Florida where
6 they, after hosting an event for Ron DeSantis, Ron DeSantis
7 said we own Florida now. And when the election happens, all of
8 them are on a text chain and they're texting and saying,
9 congratulations. Andrey Muraviev texts a very happy face. And
10 the reason they're all so excited is because they think they
11 picked someone help them get their license. You don't have to
12 speculate about that. Do you know why? Because Andrey
13 Kukushkin, in that exact text chain, says, when can we get a
14 license. So they're picking winners. That's what's going on
15 here.

16 Second, there is the question about, what about Pete
17 Sessions, because this guy hates marijuana, apparently. And,
18 look, Pete Sessions was a Congressman, he's not handing out
19 licenses, why is he important? Well, in the same testimony
20 that defense counsel referenced about Caroline Boothe, you
21 heard that he has the ability to block a bill. They're not
22 looking for him to sponsor anything, they're just looking for
23 some of this legislation, legislation that, by the way,
24 Kukushkin and Muraviev were texting about. They just wanted to
25 be able to go forward. They just wanted some movement. Bottom

LALCpar6

Summation - Mr. Roos

1 line is, it's not that they're looking for any of these people
2 to give them a license. They're, just to use their words,
3 looking to change the rules. That's why they target people
4 they do. Winners and rule changers.

5 Just a few other points, really two. One, you heard a
6 comment by Mr. Bondy about the FEC's materiality rules, and
7 this is just a distraction, folks. Judge Oetken is going to
8 instruct you on what materiality means and you're going to hear
9 in those instructions, I expect, that the FEC's view or whether
10 it relies on someone is not a question of materiality. It's
11 whether -- Judge Oetken will give you the instructions on
12 materiality.

13 You also heard from Mr. Bondy a lot of attacks on
14 Deanna Van Rensburg and you heard from Mr. Lefcourt a lot of
15 attacks on David Correia. Apparently Van Rensburg is a liar
16 and Correia is a fraudster. This, too, is a way of basically
17 of turning the focus on two other individuals.

18 Let's start with Van Rensburg. She got dragged into
19 this. She was here for two days. The reason she was here is
20 because she was Lev Parnas's assistant. The reason she was
21 immunized is because she was helping Lev Parnas commit these
22 crimes, maybe unwittingly, but she was helping him fill out the
23 donation forms to process the money.

24 And so you heard her, she forgot some things. She
25 also forgot, by the way, some questions that we asked. The

LALCpar6

Summation - Mr. Roos

1 proof there is that, what is her interest to lie? Just think
2 about that. And even setting aside her testimony, sort of,
3 what does that do for attacking her from the defense
4 standpoint? You still have all the call records that
5 Ms. Drescher walked you through, you saw all the emails where
6 Parnas says do this, do that, and you saw all the text messages
7 where she's confirming or following his instructions. She was
8 here to tell you she did what Lev Parnas said, but you already
9 knew that because you already have all the texts and the emails
10 and the documents.

11 All right. Almost at the end.

12 You heard a lot from the defense counsel about
13 reasonable doubt. Judge Oetken will tell you what that means,
14 listen to him, not the defense attorneys. And keep this in
15 mind, there is nothing mystical, there is nothing magical about
16 the term beyond a reasonable doubt. It's the very same burden
17 that is applied in every criminal case every single day in
18 every courtroom in the country. It's been the same burden
19 since this country was founded. Every day, juries return
20 verdicts.

21 I'm about to sit down. Lawyers have been talking for
22 a while. I've been talking for a little while. You've seen a
23 lot of evidence, you've seen Power Points, you've seen chats,
24 you've seen bank records.

25 Before I sit down, I want to go back to where this

LALCpar6

Summation - Mr. Roos

1 case started a little over a week ago. I want to ask you to do
2 three things: Pay attention to the evidence, and you've been
3 doing that; follow Judge Oetken's instructions on the law; and
4 use your common sense. If you do that and you use your common
5 sense, you'll see through all the distractions, through all the
6 noise, through all the alternative theories of what the
7 evidence is about, the defendants, Lev Parnas and Andrey
8 Kukushkin, agreed to put \$1 million of a Russian tycoon's money
9 into U.S. elections. And they weren't motivated by politics,
10 it wasn't a civic duty, it wasn't because they cared about
11 voting or getting out to vote or making farmers great again,
12 they didn't care about the state of Nevada or Florida or
13 cannabis social justice. They cared about licenses and money
14 and donating Andrey Muraviev's money for a plan they had to use
15 donations to curry favor and get licensed in states using
16 money, a million dollars to get licenses using donations,
17 millions of dollars potentially in profit, and they broke the
18 law.

19 Mr. Bondy, in his opening and closing, used the story
20 about walking through the woods and seeing something beautiful
21 under a log. I'm sure you all remember that. You'll also know
22 from your common sense and your experience that sometimes, when
23 you kick over a log, it's rotten, and the truth here when you
24 look underneath the surface of what's going on is this wasn't a
25 private loan agreement, it wasn't just a business oasis

LALCpar6

Charge

1 operation trying to get funding, it wasn't just people trying
2 to pay their bills. There was a criminal agreement. They
3 wanted to make donations. They wanted to use Andrey Muraviev's
4 money. Lev Parnas separately was making plenty of donations
5 using Igor Fruman's money and making them in his own name. And
6 now it's time to hold them accountable for their actions. Now
7 is the time to find the defendants guilty.

8 THE COURT: Thank you, Mr. Roos.

9 Ladies and gentlemen, you've now heard all the
10 evidence, seen all the evidence, and heard the arguments of the
11 parties. The final step before you deliberate is my reading of
12 the instructions to you, and it's going to take a little bit of
13 time, so I just want to check on time. It's 4 o'clock, we
14 would have to go a little beyond 4:30. Does anyone actually
15 need to leave at 4:30? Can you go to a little beyond that,
16 4:45?

17 Now, I'm not used to this, but I'm actually going to
18 go into the witness box so that I can take off my mask while I
19 read the instructions to you.

20 Members of the jury, can you hear me in the back?
21 Okay. You've now heard all the evidence in the case, as well
22 as the final arguments of the parties. We have reached the
23 point when you're about to undertake your final function as
24 jurors. You paid careful attention to the evidence and I'm
25 confident that you will act together with fairness and

LALCpar6

Charge

1 impartially to reach a just verdict in this case.

2 My duty at this point is to instruct you on the law.
3 There are three parts to these instructions. First, I'm going
4 to give you some general instructions about your role and about
5 how you are to decide the facts of the case. These
6 instructions really would apply to just about any trial;
7 second, I'll give you some specific instructions about the
8 legal rules applicable to this particular case; and third, I'll
9 give you some final instructions about procedure.

10 (Continued on next page)

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LALTPAR7

Charge

1 THE COURT: It is your duty to accept these
2 instructions of law and to apply them to the facts as you
3 determine them. With respect to legal matters, you must take
4 the law as I give it to you. If any attorney or witness has
5 stated a legal principle different from any that I state to you
6 in my instructions, it is my instructions that you must follow.
7 You must not substitute your own notions or opinions of what
8 the law is or ought to be.

9 Listening to these instructions may not be easy. It
10 is important, however, that you listen carefully and
11 concentrate. I ask you for patient cooperation and attention.
12 You'll notice that I'm reading these instructions from a
13 prepared text. It would be more lively, no doubt, if I just
14 improvised. But it's important that I not do that. The law is
15 made up of words, and those words are very carefully chosen.
16 So, it's critical that I use exactly the right words.

17 You'll have copies of what I'm reading in the jury
18 room to consult, so don't worry if you miss a word or two. But
19 for now, listen carefully and try to concentrate on what I'm
20 saying. Remember, you are to consider these instructions
21 together as a whole; you are not to isolate or give undue
22 weight to any single instruction.

23 As members of the jury, you are the sole and exclusive
24 judges of the facts. You pass on the evidence. You determine
25 the credibility of the witnesses. You resolve such conflicts

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1 as there may be in the testimony. You draw whatever reasonable
2 inferences you decide to draw from the facts as you have
3 determined them, and you determine the weight of the evidence.

4 Do not conclude from any of my questions or any of my
5 rulings on objections or anything else that I have done during
6 this trial that I have any view as to the credibility of the
7 witnesses or how you should decide the case. Any opinion I
8 might have regarding the facts is of absolutely no consequence.
9 It is your sworn duty, and you have taken the oath as jurors,
10 to determine the facts.

11 Just as I have my duties as a judge and you have your
12 duties as jurors, it has been the duty of each attorney in this
13 case to object when the other side offered testimony or other
14 evidence that the attorney believed is not properly admissible.
15 It has been my job to rule on those objections. Therefore, why
16 an objection was made or how I ruled on it is not your
17 business. You should draw no inference from the bare fact that
18 an attorney objects to any evidence. Nor should you draw any
19 inference from the fact that I might have sustained or
20 overruled an objection.

21 From time to time, the lawyers and I had conferences
22 outside of your hearing. These conferences involved procedural
23 and other matters, and none of the events relating to these
24 conferences should enter into your deliberations at all.

25 To be clear, the personalities and the conduct of

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1 counsel in the courtroom are not in any way at issue. If you
2 formed reactions of any kind to any of the lawyers in the case,
3 favorable or unfavorable, whether you approved or disapproved
4 of their behavior as advocates, those reactions should not
5 enter into your deliberations.

6 In reaching your verdict, you must remember that all
7 parties stand equal before a jury in the courts of the United
8 States. The fact that the government is a party and the
9 prosecution is brought in the name of the United States does
10 not entitle the government or its witnesses to any greater
11 consideration than that accorded to any other party. By the
12 same token, you must give it no less deference. The government
13 and the defendants stand on equal footing before you. It would
14 be improper for you to consider, in reaching your decision as
15 to whether the government sustained its burden of proof, any
16 personal feelings you may have about the defendants' race,
17 religion, national origin, gender, sexual orientation, or age.
18 All persons are entitled to the same presumption of innocence
19 and the government has the same burden of proof with respect to
20 all persons. Similarly, it would be improper for you to
21 consider any personal feelings you have about the race,
22 religion, national origin, gender, sexual orientation, or age
23 of any other witness or anyone else involved in this case. The
24 defendants are entitled to a trial free from prejudice, and our
25 judicial system cannot work unless you reach your verdict

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1 through a fair and impartial consideration of the evidence.

2 Now I will instruct you on the presumption of
3 innocence. The law presumes the defendants to be innocent of
4 all charges against them. In this case, the defendants before
5 you have pleaded not guilty. In so doing, they have denied the
6 charges in the indictment. Thus, the government has the burden
7 of proving the defendants' guilt beyond a reasonable doubt.
8 This burden never shifts to the defendants. In other words,
9 the defendants do not have to prove their innocence. They are
10 presumed to be innocent of the charges contained in the
11 indictment. The defendants thus began the trial here with a
12 clean slate. The presumption of innocence was in their favor
13 when the trial began, continued in their favor throughout the
14 entire trial, remains with them even as I speak to you now, and
15 persists in their favor during the course of your deliberations
16 in the jury room.

17 This presumption of innocence is removed if and only
18 if, as members of the jury, you are unanimously convinced that
19 the prosecution has sustained its burden of proving the
20 defendants guilty beyond a reasonable doubt.

21 Now, the question naturally arises: what, exactly, is
22 a reasonable doubt? The words almost define themselves. A
23 reasonable doubt is a doubt that a reasonable person has after
24 carefully weighing all the evidence. It is a doubt founded in
25 reason and arising out of the evidence in the case or the lack

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1 of evidence. Reasonable doubt is a doubt that appeals to your
2 reason, your judgment, your experience, your common sense.
3 Proof beyond a reasonable doubt must, therefore, be proof of
4 such a convincing character that a reasonable person would not
5 hesitate to rely and act upon it in the most important of his
6 or her own affairs.

7 I must emphasize that beyond a reasonable doubt does
8 not mean beyond all possible doubt. It is practically
9 impossible for a person to be absolutely and completely
10 convinced of any disputed fact that, by its very nature, cannot
11 be proved with mathematical certainty. In the criminal law,
12 guilt must be established beyond a reasonable doubt, not all
13 possible doubt.

14 Further, the government is not required to prove each
15 element of the offense by any particular number of witnesses.
16 The testimony of a single witness may be enough to convince you
17 beyond a reasonable doubt of the existence of the elements of
18 the charged offense-if you believe that the witness has
19 testified truthfully and accurately related what he has told
20 you.

21 That all said, if, after a fair and impartial
22 consideration of all the evidence, or the lack of evidence, you
23 have an abiding belief of the defendants' guilt beyond a
24 reasonable doubt -- a belief that you would be willing to act
25 upon without hesitation in important matters in the personal

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1 affairs of your own life -- then it is your sworn duty to
2 convict the defendants.

3 On the other hand, if after a fair and impartial
4 consideration of all the evidence, and the lack of evidence,
5 you are not satisfied of the guilt of the defendants with
6 respect to the charges in the indictment; if you do not have an
7 abiding conviction of the defendants' guilt; in sum, if you
8 have such a doubt as would cause you, as prudent persons, to
9 hesitate before acting in matters of importance to
10 yourselves--then you have a reasonable doubt, and in that
11 circumstance it is your sworn duty to return a verdict of not
12 guilty.

13 In reaching that determination, your oath as jurors
14 commands that you are not to be swayed by sympathy or
15 prejudice. You are to be guided solely by the evidence in this
16 case and you are to apply the law as I instruct you. As you
17 sift through the evidence, you must ask yourselves whether the
18 prosecution has proven the defendants' guilt. Once you let
19 fear or prejudice, or bias or sympathy, interfere with your
20 thinking, there is a risk that you will not arrive at a true
21 and just verdict. Thus, if you have a reasonable doubt as to
22 the defendants' guilt, then you must render a verdict of not
23 guilty. But if you should find that the prosecution has met
24 its burden of proving the defendants' guilt beyond a reasonable
25 doubt, then you should not hesitate because of sympathy, or for

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1 any other reason, to render a verdict of guilty.

2 The question of possible punishment of the defendants
3 is of no concern to the jury and should not enter into or
4 influence your deliberations. The duty of imposing sentence in
5 the event of a conviction rests exclusively upon the Court.
6 Your function is to weigh the evidence or the lack of evidence
7 in the case and to determine whether or not the defendants are
8 guilty beyond a reasonable doubt, solely upon the basis of such
9 evidence. Under your oath as jurors, you cannot allow any
10 consideration of the punishment that may be imposed upon the
11 defendants, if they are convicted, to influence your verdict.

12 Similarly, it would be improper for you to allow any
13 feelings you might have about the nature of the crimes charged
14 to interfere with your decision-making process. Your verdict
15 must be based exclusively upon the evidence or the lack of
16 evidence in the case.

17 Now, I have repeatedly referred to the evidence in
18 this case. This raises an important question: what is
19 evidence? I instruct you that evidence consists of the sworn
20 testimony of the witnesses, the exhibits received in evidence,
21 and the stipulations of the parties. In determining the facts,
22 you must rely upon your own recollection of the evidence.

23 What, then, is not evidence? I instruct you that the
24 following does not count as evidence:

25 First, testimony that I have stricken or excluded is

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1 not evidence. You may not use it in rendering your verdict.
2 If certain testimony was received for a limited purpose, you
3 must follow the limiting instructions I have given, and use the
4 evidence only for the limited purpose I indicated.

5 Second, any exhibit that was not received into
6 evidence is not evidence. Thus, exhibits marked for
7 identification but not admitted are not evidence, nor are
8 materials that were used only to refresh a witness's
9 recollection.

10 Third, among the exhibits received in evidence there
11 may have been some documents and recordings that are redacted.
12 Redacted means that part of the document or recording was taken
13 out. You are to concern yourself only with the item admitted
14 into evidence. You should not consider any possible reason why
15 the other part has been redacted.

16 Fourth, arguments by the lawyers are not evidence.
17 The reason is simple: advocates are not witnesses. The opening
18 and closing arguments of both sides explain how each side wants
19 you to analyze the evidence, which consists of the testimony of
20 witnesses, the documents and other exhibits that were entered
21 into evidence, and the stipulations of the parties. What the
22 lawyers have said to you is intended to help you understand the
23 evidence, or the lack of evidence, as you deliberate to reach
24 your verdict. However, if your recollection of the facts
25 differs from the lawyers' opening statements, questions to

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1 witnesses, or summations, it is your recollection that
2 controls, not theirs. For the same reasons, you are not to
3 consider a lawyer's or a party's questions as evidence. Only
4 the witnesses' answers are to be considered evidence, not the
5 questions.

6 Finally, any statements that I may have made do not
7 constitute evidence. It is for you alone to decide the weight,
8 if any, to be given to the testimony you have heard and the
9 exhibits you have seen.

10 I will now discuss at slightly greater length some
11 important matters related to evidence.

12 There are two types of evidence that you may properly
13 consider in reaching your verdict.

14 One type of evidence is direct evidence. Direct
15 evidence is testimony by a witness about something he knows by
16 virtue of his own senses, something he has seen, felt, touched,
17 or heard. For example, if a witness testified that when he
18 left his house this morning, it was raining, that would be
19 direct evidence about the weather.

20 The second type of evidence is circumstantial
21 evidence. Circumstantial evidence is evidence that tends to
22 prove a disputed fact indirectly, by proof of other facts.
23 There is a simple example of circumstantial evidence that is
24 often used in this courthouse.

25 Assume that when you came into the courthouse this

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1 morning the sun was shining and it was a nice day outdoors.

2 Assume that the courtroom shades were drawn and that you could
3 not look outside. Assume further that as you were sitting
4 here, someone walked in with an umbrella that was dripping wet
5 and then, a few moments later, somebody else walked in with a
6 raincoat that was dripping wet.

7 Now, because you could not look outside the courtroom
8 and you could not see whether it was raining, you would have no
9 direct evidence of that fact. But, on the combination of facts
10 that I have asked you to assume, it would be reasonable and
11 logical for you to conclude that it was raining.

12 That is all there is to circumstantial evidence. You
13 infer on the basis of your reason, experience, and common sense
14 from one fact that's established the existence or the
15 nonexistence of some other fact.

16 As you can see, the matter of drawing inferences from
17 facts in evidence is not a matter of guesswork or speculation.
18 An inference is a logical, factual conclusion that you might
19 reasonably draw from other facts that have been proven.
20 Many material facts, such as someone's state of mind, are
21 rarely easily proven by direct evidence. Usually such facts
22 are established by circumstantial evidence and the reasonable
23 inferences that you draw. Circumstantial evidence may be given
24 as much weight as direct evidence. The law makes no
25 distinction between direct and circumstantial evidence, but

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1 simply requires that, before convicting a defendant, the jury
2 must be satisfied that the government has proven the
3 defendant's guilt beyond a reasonable doubt, based on all of
4 the evidence in the case.

5 There are times when different inferences may be drawn
6 from the evidence. The government asks you to draw one set of
7 inferences. The defendants ask you to draw another. It is for
8 you, and for you alone, to decide what inferences you will
9 draw.

10 You have heard evidence in the form of stipulations.
11 A stipulation of testimony is an agreement between the parties
12 that, if called, a witness would have given certain testimony.
13 You must accept as true the fact that the witness would have
14 given the testimony. However, it is for you to decide what
15 effect that testimony should be given.

16 You also heard evidence in the form of stipulations
17 that contain facts that were agreed to be true. In such cases,
18 you must accept those facts as true. However, it is for you to
19 decide what weight, if any, to give to those facts.

20 The government has introduced evidence with text in
21 the Russian language. The parties have agreed that the
22 translations of those materials are accurate, and the
23 translations have been admitted into evidence. For materials in
24 Russian with an English translation, I instruct you that it is
25 the English translation of the materials reflected in the

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1 exhibit that is the evidence. If you speak Russian, you may
2 not substitute your own translation for that which has been
3 agreed upon by the parties.

4 Now, some of the exhibits that were admitted into
5 evidence were in the form of charts and summaries. You should
6 consider them as you would any other evidence.

7 As I have already explained, you should draw no
8 inference or conclusion for or against any party by reason of
9 lawyers making objections or my rulings on such objections.
10 By the same token, nothing I say is evidence. If I commented
11 on the evidence at any time, do not accept my statements in
12 place of your recollection or your interpretation. It is your
13 recollection and interpretation that govern.

14 Further, do not concern yourself with what was said at
15 side-bar conferences or during my discussions with counsel.
16 Those discussions related to rulings of law.

17 At times I may have admonished a witness or directed a
18 witness to be responsive to questions or to keep his or her
19 voice up. At times I asked a question myself. Any questions
20 that I asked, or instructions that I gave, were intended only
21 to clarify the presentation of evidence and to bring out
22 something that I thought might be unclear. You should draw no
23 inference or conclusion of any kind, favorable or unfavorable,
24 with respect to any witness or any party in the case, by reason
25 of any comment, question, or instruction of mine. Nor should

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1 you infer that I have any views as to the credibility of any
2 witness, as to the weight of the evidence, or as to how you
3 should decide any issue that is before you. That is entirely
4 your role.

5 You have had the opportunity to observe the witnesses.
6 It will now be your job to decide how believable each witness
7 was in his or her testimony. You are the sole judges of the
8 credibility of each witness and of the importance of his or her
9 testimony.

10 To that end, I am going to give you a few general
11 instructions on how you may determine whether witnesses are
12 credible and reliable, whether witnesses told the truth at this
13 trial, and whether they knew what they were talking about. It
14 is really just a matter of using your common sense, your good
15 judgment, and your experience.

16 First, consider how well the witness was able to
17 observe or hear what he or she testified about. The witness
18 may be honest, but mistaken. How did the witness's testimony
19 impress you? Did the witness appear to be testifying honestly
20 and/or candidly? Were the witness's answers direct or were
21 they evasive? Consider the witness's intelligence, demeanor,
22 manner of testifying, and the strength and accuracy of the
23 witness's recollection. Consider whether any outside factors
24 might have affected a witness's ability to perceive events.
25 Consider the substance of the testimony. How does the

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1 witness's testimony compare with other proof in the case? Is
2 it corroborated or is it contradicted by other evidence? If
3 there is a conflict, does any version appear reliable, and if
4 so, which version seems more reliable?

5 You may consider whether a witness had any possible
6 bias or relationship with a party or any possible interest in
7 the outcome of the case. Such a bias or relationship does not
8 necessarily make the witness unworthy of belief, but it can.
9 These are simply factors that you may consider.

10 In passing upon the credibility of a witness, you may
11 also take into account any inconsistencies or contradictions as
12 to material matters in his or her testimony.

13 In summary, you should carefully scrutinize all of the
14 testimony of each witness, the circumstances under which each
15 witness testified, the impression the witness made when
16 testifying, the relationship of the witness to the controversy
17 and the parties, the witness's bias or impartiality, the
18 reasonableness of the witness's statement, the strength or
19 weakness of the witness's recollection viewed in the light of
20 all the other testimony, and any other matter in evidence that
21 may help you decide the truth and the importance of each
22 witness's testimony.

23 If you find that a witness has testified falsely as to
24 any material fact or if you find that a witness has been
25 previously untruthful when testifying under oath or otherwise,

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1 you may reject that witness's testimony in its entirety or you
2 may accept only those parts that you believe to be truthful or
3 that are corroborated by other independent evidence in the
4 case.

5 It is for you, the jury, and you alone-not the
6 lawyers, not the witnesses, and not me as the judge-to decide
7 the credibility of witnesses who testified and the weight that
8 their testimony deserves. The ultimate question for you to
9 decide in passing upon credibility is: Did the witness tell the
10 truth before you?

11 The defendants did not testify in this case. Under our
12 Constitution, a defendant has no obligation to testify or to
13 present any evidence, because it is the Government's burden to
14 prove the defendants guilty beyond a reasonable doubt. That
15 burden remains with the government throughout the entire trial
16 and never shifts to the defendant. A defendant is never
17 required to prove that he or she is innocent.

18 You may not attach any significance to the fact that
19 the defendants did not testify. No adverse inference against
20 the defendants may be drawn because they did not take the
21 witness stand. You may not consider this against the
22 defendants in any way in your deliberations in the jury room.

23 You have heard the testimony of law enforcement
24 officers and other government employees. The fact that a
25 witness may be employed by the federal government or a state or

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1 city government as a law enforcement agent or employee does not
2 mean that his or her testimony is deserving of more or less
3 consideration or greater or lesser weight than that of an
4 ordinary witness. It is your decision, after reviewing all the
5 evidence, whether to accept the testimony of the law
6 enforcement or government employee witness and to give to that
7 testimony the weight you find it deserves.

8 You have heard the testimony of witnesses who have
9 testified under a grant of immunity from this Court, called
10 formal immunity. The testimony of such a witness may not be
11 used against such witnesses in any criminal case except in a
12 prosecution for perjury, giving a false statement, or otherwise
13 failing to comply with the immunity order of this Court. You
14 are instructed that the government is entitled to call as a
15 witness a person who has been granted immunity by order of this
16 Court. You should examine the testimony of such a witness to
17 determine whether or not it is colored in any way to further
18 the witness' own interests. If you believe the testimony to be
19 true, you may give it any weight you believe it deserves, and
20 you may convict the defendants on the basis of such witness'
21 testimony alone if you find that the testimony proves the
22 defendants guilty beyond a reasonable doubt.

23 In deciding whether to believe a witness, you should
24 specifically note any evidence of hostility or affection that
25 the witnesses may have towards one of the parties. Likewise,

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1 you should consider evidence of any other interest or motive
2 that the witness may have in cooperating with a particular
3 party. You should also take into account any evidence of any
4 benefit that a witness may receive from the outcome of the
5 case.

6 It is your duty to consider whether the witness has
7 permitted any such bias or interest to color his or her
8 testimony. In short, if you find that a witness is biased, you
9 should view his or her testimony with caution, weigh it with
10 care, and subject it to close and searching scrutiny.

11 Of course, the mere fact that a witness is interested
12 in the outcome of the case does not mean he or she has not told
13 the truth. It is for you to decide from your observations and
14 by applying your common sense and experience and all the other
15 considerations mentioned whether the possible interest of any
16 witness has intentionally or otherwise colored or distorted his
17 or her testimony. You are not required to disbelieve an
18 interested witness; you may accept as much of his or her
19 testimony as you deem reliable and reject as much as you deem
20 unworthy of acceptance.

21 During the trial, you heard the names of several other
22 individuals mentioned in connection with this case. Some of
23 those other individuals have been mentioned in connection with
24 what the government alleges was illegal activity.

25 I instruct you that you may not draw any inference,

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1 favorable or unfavorable, towards the government or the
2 defendants from the fact that any other person is not on trial
3 here. Further, you may not speculate as to the reasons why
4 those other people are not on trial, or what became of them in
5 the legal system. Those matters are wholly outside your
6 concern and have no bearing on your duties as jurors in this
7 case.

8 You have heard evidence during the trial that
9 witnesses have discussed the facts of the case and their
10 testimony with the lawyers before the witnesses appeared in
11 court.

12 Although you may consider that fact when you are
13 evaluating a witness's credibility, I should tell you that
14 there is nothing unusual or improper about a witness meeting
15 with lawyers before testifying so that the witness can be aware
16 of the subjects he or she will be questioned about, focus on
17 those subjects and have the opportunity to review relevant
18 exhibits before being questioned about them. Such consultation
19 helps conserve your time and the Court's time. In fact, it
20 would be unusual for a lawyer to call a witness without such
21 consultation.

22 Again, the weight you give to the fact or the nature
23 of the witness's preparation for his or her testimony and what
24 inferences you draw from such preparation are matters
25 completely within your discretion.

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1 There are several people whose names you have heard
2 during the course of the trial but who did not appear here to
3 testify. I instruct you that each party had an equal
4 opportunity, or lack of opportunity, to call any of these
5 witnesses. Therefore, you should not draw any inferences or
6 reach any conclusions as to what they would have testified to
7 had they been called.

8 You should, however, remember my instruction that the
9 law does not impose on a defendant in a criminal case the
10 burden or duty of calling any witness or producing any
11 evidence. The burden remains with the government to prove the
12 guilt of the defendants beyond a reasonable doubt.

13 You have heard reference, in the arguments and
14 cross-examination of defense counsel in this case, to the fact
15 that certain investigative techniques were or were not used by
16 the government. There is no legal requirement, however, that
17 the government prove its case through any particular means.
18 While you are to carefully consider the evidence adduced by the
19 government, you are not to speculate as to why they used the
20 techniques they did or why they did not use other techniques.
21 The government is not on trial. Law enforcement techniques are
22 not your concern. However, you are free to consider a lack of
23 evidence in your determination of whether the government proved
24 the charged crimes beyond a reasonable doubt. Your concern is
25 to determine whether, on the evidence or lack of evidence, the

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1 government has proven the defendant's guilt beyond a reasonable
2 doubt.

3 You have heard testimony about evidence seized in
4 certain searches. Evidence obtained from these searches was
5 properly admitted in this case and may properly be considered
6 by you. Whether you approve or disapprove of how it was
7 obtained should not enter into your deliberations because I now
8 instruct you that the Government's use of this evidence is
9 entirely lawful.

10 Defendants Lev Parnas and Andrey Kukushkin are on
11 trial together. In reaching a verdict, however, you must bear
12 in mind that innocence or guilt is individual. Your verdict
13 must be determined separately with respect to each defendant,
14 solely on the evidence, or lack of evidence, presented against
15 him, without regard to the guilt or innocence of anyone else.
16 In this regard, you must be careful not to find any defendant
17 guilty merely by reason of relationship or association with
18 other persons. The fact that one person may be guilty of an
19 offense does not mean that his or her friends, relatives, or
20 associates were also involved in the crime. You may, of
21 course, consider those associations as part of the evidence in
22 the case, and may draw whatever inferences are reasonable from
23 the fact of the associations taken together with all of the
24 other evidence in the case. But you may not draw the inference
25 of guilt merely because of such associations. In short, for

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1 each defendant, the question of guilt or innocence as to each
2 count of the indictment must be individually considered and
3 individually answered, and you may not find any defendant
4 guilty unless the evidence proves his guilt beyond a reasonable
5 doubt.

6 Now I am going to turn to the substantive
7 instructions.

8 Let us first turn to the charges against the
9 defendants as contained in the indictment. The indictment is
10 not evidence. It is an accusation, a statement of the charges
11 made against the defendants. It gives the defendants notice of
12 the charges against them. It informs the Court and the public
13 of the nature of the accusation.

14 A defendant begins trial with an absolutely clean
15 slate and without any evidence against him. Remember that the
16 charges in the indictment are merely accusations. What matters
17 is the evidence or lack of evidence that you heard and saw in
18 the trial.

19 The indictment in this case consists of six counts, or
20 charges. I will, at times, refer to each count by the number
21 assigned to it in the indictment. You should know that there
22 is no significance to the order of these numbers or the
23 specific number of counts charged.

24 Each count is a separate offense or crime. Each count
25 must therefore be considered separately by you, as to each

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1 defendant named in that count, and you must return a separate
2 verdict of guilty or not guilty on each count, as to each
3 defendant named in that count. Whether you find a defendant
4 guilty or not guilty as to one count should not affect your
5 verdict as to any other count charged.

6 The indictment contains six counts or charges.

7 Count One of the indictment charges that defendants
8 Lev Parnas and Andrey Kukushkin participated in a conspiracy to
9 make political contributions paid for by a foreign national in
10 the names of persons other than the true source of the funds,
11 and to defraud the Federal Election Commission, or FEC.

12 Count Two charges that Mr. Parnas solicited, and aided
13 and abetted the solicitation of, a foreign national to make
14 political contributions.

15 Count Three charges that Mr. Parnas and Mr. Kukushkin
16 aided and abetted the making of political contributions by a
17 foreign national.

18 Count Four charges that Mr. Parnas participated in a
19 conspiracy to make political contributions in the names of
20 persons other than the true source of the funds, and to defraud
21 the FEC.

22 Count Five charges that Mr. Parnas made false
23 statements to the FEC in an affidavit.

24 Count Six charges that Mr. Parnas made false entries
25 in an affidavit in order to obstruct a matter before the FEC.

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1
2 In a moment, I will instruct you on each of these
3 charges in more detail. At the outset, however, let me
4 instruct you that you must consider each individual charge
5 separately, and each defendant separately, and evaluate each on
6 the proof or lack of proof that relates to that charge with
7 respect to each defendant.

8 Count One charges the defendants with participating in
9 a conspiracy to make political contributions paid for by a
10 foreign national, in the names of persons other than the true
11 source of the funds, and/or to defraud the FEC. Count One
12 reads, in relevant part:

13 From in or about June 2018 through at least in or
14 about April 2019, in the Southern District of New York and
15 elsewhere, Lev Parnas and Andrey Kukushkin, the defendants, and
16 others known and unknown, knowingly conspired with each other
17 and with others known and unknown to:

18 a. Knowingly and willfully make contributions and
19 donations of money, or express or implied promises to make
20 contributions or donations, directly and indirectly, by a
21 foreign national in connection with federal and State
22 elections, aggregating to \$25,000 and more in a calendar year,
23 in violation of Title 52, United States Code, Sections 30121
24 and 30109(d)(1)(A).

25 b. Knowingly and willfully make contributions to

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1 candidates for State and federal office, joint fundraising
2 committees, and independent expenditure committees in the names
3 of other persons, aggregating to \$25,000 and more in a calendar
4 year, in violation of Title 52, United States Code, Sections
5 30122 and 30109(d)(1)(A) & (D).

6 c. Knowingly defraud the United States by impairing,
7 obstructing, and defeating the lawful functions of a department
8 or agency of the United States; to wit, the function of the
9 Federal Election Commission, FEC, to administer federal law
10 concerning source and amount restrictions in federal and State
11 elections, including the prohibitions applicable to foreign
12 nationals and straw donors.

13 The relevant statute covering this charge is Section
14 371 of Title 18 of the United States Code. That section states
15 that it shall be unlawful for two or more persons to conspire
16 either to commit any offense against the United States, or to
17 defraud the United States, or any agency thereof in any manner
18 or for any purpose, and for one or more of such persons to do
19 any act to effect the object of the conspiracy.

20 So, what is a conspiracy? A conspiracy is a kind of
21 criminal partnership. It is an agreement of two or more
22 persons to join together to accomplish some unlawful purpose.
23 The essence of the crime of conspiracy is an agreement or
24 understanding between two or more persons to violate other
25 laws. What we call a meeting of minds is required. If one of

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1 two persons merely pretends to agree, the other party, whatever
2 he may believe, is in fact not conspiring with anyone.

3 The crime of conspiracy to violate a federal law is an
4 independent offense. It is separate and distinct from the
5 crime that is the objective of the conspiracy. Indeed, you may
6 find the defendants guilty of the crime of conspiracy even if
7 you find that they never actually committed the substantive
8 crime that was the objective of the conspiracy. In other
9 words, for Count One, you need not find that illegal political
10 contributions were actually made to find that someone is guilty
11 of a conspiracy to make political contributions that were
12 illegal.

13 In order to find the defendants guilty of the
14 conspiracy charged in Count One, you must find that the
15 government has proven beyond a reasonable doubt each of the
16 following three elements of the crime:

17 First, that two or more persons entered the unlawful
18 agreement charged in Count One of the indictment;

19 Second, that the defendant you are considering
20 knowingly and willfully became a member of that alleged
21 conspiracy; and

22 Third, that one of the members of the conspiracy
23 knowingly committed at least one overt act in furtherance of
24 the conspiracy.

25 I will discuss each in turn.

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1 Now let us consider the first element of the
2 conspiracy charge. The first element which the government must
3 prove beyond a reasonable doubt to establish the offense of
4 conspiracy is that two or more persons entered into the
5 unlawful agreement charged in Count One of the indictment.
6 That Count alleges that defendants Lev Parnas and Andrey
7 Kukushkin conspired with others to (i) make political
8 contributions directly or indirectly by a foreign national,
9 (ii) make political contributions in the name of a person other
10 than the true donor, and (iii) defraud the FEC.

11 In order for the government to satisfy this element,
12 you need not find that the alleged members of the conspiracy
13 met together and entered into a formal contract. Similarly,
14 you need not find that the alleged conspirators stated in words
15 or writing what the scheme was, its object or purpose or every
16 precise detail of the scheme or the means by which its object
17 or purpose was to be accomplished. From its very nature, a
18 conspiracy is almost always characterized by secrecy, which
19 makes detection difficult. Conspirators do not usually reduce
20 their agreements to writing. They do not typically publicly
21 broadcast their plans. What the government must prove is that
22 there was a mutual understanding, either spoken or unspoken,
23 between two or more persons to cooperate with each other to
24 accomplish an unlawful act. Express language or specific words
25 are not required to indicate agreement to or membership in a

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1 conspiracy.

2 You may, of course, find that the existence of an
3 agreement to disobey or disregard the law, as charged in Count
4 One of the indictment, has been established by direct proof.
5 However, since conspiracy is, by its very nature, characterized
6 by secrecy, you may also infer its existence from the
7 circumstances of this case and the conduct of the parties
8 involved. In a very real sense then, in the context of
9 conspiracy cases, actions often speak louder than words. In
10 this regard, you may, in determining whether an unlawful
11 agreement existed here, consider the actions and statements of
12 all of those you find to be participants as proof that a common
13 design existed on the part of the persons charged to act
14 together to accomplish an unlawful purpose.

15 In short, as far as the first element of the
16 conspiracy is concerned, the government must prove beyond a
17 reasonable doubt that at least two alleged conspirators came to
18 a mutual understanding, either spoken or unspoken, to violate
19 the law in the manner charged in the indictment.

20 The "objects" of a conspiracy are the illegal goal or
21 goals the co-conspirators agree or hope to achieve. In Count
22 One, the indictment provides that there were three objects or
23 goals of the alleged conspiracy: One, to make political
24 contributions by a foreign national; two, to make political
25 contributions in the name of a person other than the true

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1 source of the funds; three, to defraud the FEC.

2 You should keep in mind that you need not find that
3 the conspirators agreed to accomplish each one of these things.
4 An agreement to accomplish any one of these objects is
5 sufficient. Although the finding of one unlawful objective is
6 sufficient to satisfy the illegal purpose element, you must
7 unanimously agree on which object, if any, was the specific
8 object or objects of the alleged conspiracy.

9 The first object of the conspiracy charged in Count
10 One is the object of making a political contribution by a
11 foreign national, in violation of section 30121 of Title 52 of
12 the United States Code. That statute states that: It shall be
13 unlawful for a foreign national, directly or indirectly, to
14 make a contribution or donation of money or other thing of
15 value, or to make an express or implied promise to make a
16 contribution or donation, in connection with a federal, state,
17 or local election.

18 In order to find that the defendants conspired to
19 violate that law, you must find that the government proved
20 beyond a reasonable doubt that the defendants participated in a
21 conspiracy to cause (1) a foreign national, (2) to make,
22 directly or indirectly, one or more contributions or donations
23 of money, or an express or implied promise to make one or more
24 contributions or donations, in connection with a federal,
25 state, or local election, (3) with the aggregate amount of such

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1 contributions or donations being \$25,000 or more in a calendar
2 year, and (4) that they did so knowingly and willfully.

3 The term "foreign national" means an individual who is
4 not a citizen of the United States and who is not lawfully
5 admitted for permanent residence, that is, a green card holder.

6 "Contribution" includes any deposit of money, gift,
7 loan, or advance made by any person for the purpose of
8 influencing any election for Federal office.

9 The term "donation" is defined the same as
10 "contribution," but does not require the payment to be made in
11 connection with a federal election, and may be made instead in
12 connection with a state or local election. The amount of
13 contributions or donations together must be equal to or exceed
14 \$25,000 in the calendar year you are considering, 2018, but you
15 need not determine the precise amount of the contributions or
16 donations involved.

17 The "calendar year" for 2018 is January 1, 2018, to
18 December 31, 2018.

19 An act is done knowingly if the defendant is aware of
20 the act and does not act through ignorance, mistake, or
21 accident. You may consider evidence of the defendant's words,
22 acts, or omissions, along with all other evidence, in deciding
23 whether the defendant acted knowingly. An act is done
24 willfully if the defendant acted with knowledge that some part
25 of his course of conduct was unlawful and with the intent to do

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1 something the law forbids, and again not by mistake or
2 accident. In other words, a person acts "willfully" when he
3 acts with a "bad purpose" to disobey or disregard the law. It
4 is not, however, necessary for the government to prove that the
5 defendant was aware of the specific provision of the law that
6 he is charged with violating. Rather, it is sufficient for the
7 defendant to act knowing that his conduct is unlawful, even if
8 he does not know precisely which law or regulation makes it so.

9 The second object of the conspiracy charged in Count
10 One is the object of making a political contribution in the
11 name of another person, in violation of section 30122 of Title
12 52 of the United States Code. That statute states in the
13 relevant part that, "no person shall make a contribution in the
14 name of another person."

15 In order to find that the defendants conspired to
16 violate that law, you must find that the government proved
17 beyond a reasonable doubt that the defendants participated in a
18 conspiracy to (1) make one or more contributions, (2) in the
19 name(s) of one or more persons other than the true source of
20 the funds, (3) with the aggregate amount of such contributions
21 being \$25,000 or more in a calendar year, and (4) that they did
22 so knowingly and willfully.

23 The phrase "making a contribution in the name of
24 another" means making a disguised contribution through an
25 intermediary, or conduit, by giving that person the funds for

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1 the contribution. This is sometimes referred to as a "straw
2 donation." It includes both payments to an intermediary of
3 funds to make a contribution, and reimbursement of funds to an
4 intermediary for making a contribution at the payor's request.

5 It does not matter when the payment or reimbursement
6 to the intermediary for the contribution occurs, as long as the
7 payment or promise of reimbursement was a causal factor in the
8 intermediary's decision to make the contribution attributed to
9 him or her. In other words, the promise of reimbursement must
10 have been a causal factor to the intermediary's decision to
11 make the contribution attributed to him. In consequence, it is
12 a defense that the intermediary made up his or her mind to make
13 the contribution in question prior to the time that the true
14 contributor made his reimbursement promise.

15 I have already instructed you on the requirement that
16 the aggregate amount of the contributions was equal to or
17 exceeded \$25,000 and the meaning of "contribution". I have
18 also instructed you on the meaning of "knowing" and
19 "willfully," and you should refer to my prior instructions.

20 The third object of the conspiracy charged in Count
21 One is the object of defrauding the United States, and
22 specifically the Federal Election Commission or FEC.

23 A conspiracy to defraud the United States means that
24 the defendants and their alleged co-conspirators are accused of
25 conspiring to impede, impair, obstruct, or defeat by fraudulent

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1 or dishonest means the lawful regulatory and enforcement
2 functions of an agency of the United States.

3 I instruct you that the FEC is an agency of the United
4 States government.

5 A conspiracy to defraud the United States need not
6 necessarily involve cheating the government out of money or
7 property. The statute also includes conspiracies to interfere
8 with or obstruct any lawful government function by fraud,
9 deceit, or any dishonest means. Dishonestly obstructing the
10 lawful function of a government agency must be a purpose of the
11 conspiracy, not merely a foreseeable consequence of it.

12 However, defrauding the FEC need not be the defendant's sole or
13 even primary purpose so long as it is a purpose of the scheme.
14 The intent to defraud the FEC may be incidental to another
15 primary motivation or purpose but it still must be an intent.
16 All that is required is that an object of the conspiracy was to
17 interfere with or obstruct one of the FEC's lawful government
18 functions by deceit, craft, or trickery or by means that are
19 dishonest.

20 The statute also does not require proof that the
21 defendants intended to directly commit the fraud themselves.
22 Proof that the defendant intended to use a third party as a
23 go-between may be sufficient. But the government must prove
24 that the United States or one of its agencies or departments
25 was the ultimate target of the conspiracy that the defendants

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1 intended to defraud.

2 Not all conduct that impedes the lawful functions of a
3 government agency is illegal. To be unlawful, such conduct
4 must entail fraud, deceit, or other dishonest means. A
5 conspiracy to impede the functions of a government agency by
6 fraudulent or dishonest means may include such things as
7 altering documents after they have been demanded by the
8 government agency, creating false documents, destroying
9 records, making false statements, attempting to induce others
10 to make false statements, or engaging in any other fraudulent
11 or deceptive conduct that would have the effect of impairing
12 the ability of the government agency to determine important
13 aspects of a transaction. By citing these examples, I
14 certainly do not mean to suggest that these are the only
15 actions that could impede the FEC by fraudulent or dishonest
16 means, nor do I express any view as to whether conduct similar
17 to these examples took place here.

18 If you find that the government has proven beyond a
19 reasonable doubt that the conspiracy charged in Count One of
20 the indictment existed, then you must consider the second
21 element of the crime.

22 The second element the government must prove beyond a
23 reasonable doubt to establish the offense of conspiracy is that
24 the defendants knowingly, willfully and voluntarily became
25 members of the alleged conspiracy with the intent of achieving

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1 its unlawful objective. I have already instructed you on the
2 definitions of knowingly and willfully, and you should apply
3 those definitions here.

4 In deciding whether the defendant was in fact a member
5 of the conspiracy, you must consider whether the defendant
6 knowingly and willfully joined the conspiracy intending to
7 advance or achieve its goals. Did he participate in the
8 conspiracy with knowledge of its unlawful purpose and with the
9 specific intention of furthering its objective? Direct proof
10 of state of mind is not always available. Indeed, science has
11 not yet devised a manner of looking into a person's mind and
12 knowing what that person is thinking. It would be a rare case
13 where it could be shown that a person wrote or stated that, as
14 of a given time in the past, he committed an act with a certain
15 state of mind. Such direct proof is not required. Rather, you
16 may look to the evidence of certain acts alleged to have taken
17 place by or with the defendant, or in his presence.

18 Of course, mere association with a conspirator or mere
19 presence at a place where a conspiracy is going on does not
20 make someone a member of the conspiracy. Nor is knowledge
21 without participation sufficient. What is necessary is that
22 the defendant participated with knowledge of the unlawful
23 objectives of the conspiracy and with intent to aid in the
24 accomplishment of one of those objectives.

25 If you find that the conspiracy existed and that the

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1 defendant participated knowingly and intentionally in it, the
2 extent and duration of the defendant's participation has no
3 bearing on whether or not he is guilty. A defendant need not
4 have joined the conspiracy at the outset. If a defendant
5 joined the conspiracy at any time in its progress, he will be
6 held responsible for all that was done before he joined and all
7 that was done during the conspiracy's existence while he was a
8 member. Moreover, each member of the conspiracy may perform
9 separate and distinct acts. Some conspirators play major
10 roles, while others play minor roles in the scheme. The fact
11 that a defendant's participation in a conspiracy was more
12 limited than that of a co-conspirator should not affect your
13 verdict. An equal role is not what the law requires. In fact,
14 even a single act may be sufficient to draw a defendant within
15 the scope of a conspiracy.

16 It is not necessary that a defendant be fully informed
17 as to all the details of the conspiracy to justify an inference
18 of knowledge on his part. To have guilty knowledge, a
19 defendant need not have known the full extent of the conspiracy
20 or all of its activities or all of its participants. It is not
21 even necessary that the defendant know every member of the
22 conspiracy. In fact, a defendant may know only one member of
23 the conspiracy and still be a co-conspirator. Nor is it
24 necessary that a defendant receive any monetary benefit from
25 participating in the conspiracy or have a financial stake in

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1 the outcome, so long as he in fact participated in the
2 conspiracy in the manner I have explained.

3 Ultimately, the question is this: Has the government
4 proven beyond a reasonable doubt that the defendant joined the
5 conspiracy charged and knowingly and intentionally participated
6 in it with the awareness of its unlawful purpose and as
7 something he wished to bring about?

8 Turning to the third and final element of the
9 conspiracy charge, the government must prove beyond a
10 reasonable doubt that one of the members of the alleged
11 conspiracy or agreement knowingly and willfully performed at
12 least one overt act in furtherance of the objectives of the
13 conspiracy and that this overt act was performed during the
14 existence or life of the conspiracy and was done somehow to
15 further the goals of the conspiracy or agreement.

16 The term "overt act" means some type of outward action
17 performed by one of the members of the conspiracy that further
18 the objectives of the conspiracy. An overt act may itself be a
19 lawful act; however, the act must be a step in achieving the
20 conspiratorial objectives.

21 The indictment alleges that the following acts were
22 committed in the Southern District of New York and elsewhere:

23 On or about September 18, 2018, a foreign national
24 Russian citizen and businessman who, at all relevant times, was
25 not a citizen or lawful permanent resident of the United

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1 States, Andrey Muraviev, wired \$500,000 from a foreign bank
2 account, through the Southern District of New York, to a bank
3 account under the control of Igor Fruman, who was a
4 co-conspirator of Parnas and Kukushkin, among others, for
5 purposes of making political contributions and donations.

6 On or about October 16, 2018, Andrey Muraviev wired
7 \$500,000 from a foreign bank account, through the Southern
8 District of New York, to a bank account under the control of
9 Igor Fruman, for purposes of making political contributions and
10 donations.

11 On or about November 1, 2018, Parnas and Fruman used
12 funds wired by Andrey Muraviev to make maximum donations to two
13 political candidates for State office in Nevada.

14 In order for the government to satisfy this element,
15 it is not required that all of the overt acts alleged in the
16 indictment or even any of the overt acts contained in the
17 indictment be proven. Although you must find unanimously that
18 some overt act in furtherance of the conspiracy has been
19 proved, you do not have to be unanimous as to which act.
20 Similarly, you need not find that the defendants committed the
21 overt act. It is sufficient for the government to show that
22 one of the alleged conspirators knowingly committed an overt
23 act in furtherance of the conspiracy, since such an act
24 becomes, in the eyes of the law, the act of all the members of
25 the conspiracy.

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1 You are further instructed that the overt act need not
2 have been committed at precisely the time alleged in the
3 indictment. It is sufficient if you are convinced beyond a
4 reasonable doubt that it occurred at or about the time and
5 place stated.

6 You should bear in mind that the overt act standing
7 alone may be an innocent lawful act. Frequently, however, an
8 apparently innocent act sheds its harmless character if it is a
9 step in carrying out, promoting, aiding or assisting a
10 conspiratorial scheme. You are therefore instructed that the
11 overt act does not have to be an act which in and of itself is
12 criminal or constitutes an objective of the conspiracy.

13 Count Two charges defendant Lev Parnas with
14 solicitation of, and the aiding and abetting the solicitation
15 of, one or more political contributions or donations by a
16 foreign national.

17 Count Two reads in relevant part:

18 From in or about June 2018 through at least in or
19 about April 2019, in the Southern District of New York and
20 elsewhere, Lev Parnas, the defendant, knowingly and willfully
21 solicited, and aided and abetted the solicitation of, a foreign
22 national, directly and indirectly, to make contributions and
23 donations of money, and made express and implied promises to
24 make contributions and donations, in connection with federal
25 and State elections, aggregating \$25,000 and more in a calendar

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1 year.

2 The relevant statutes covering this charge are Section
3 30121(b) of Title 52 of the United States Code and Section 2 of
4 Title 18 of the United States Code. Section 30121(b) states
5 that it shall be unlawful for a person to solicit a
6 contribution or donation from a foreign national. Section 2 of
7 Title 18 makes it a crime to aid, abet, counsel, command,
8 induce or procure such a crime.

9 In order to find defendant Lev Parnas guilty of
10 solicitation of one or more political contributions or
11 donations by a foreign national charged in Count Two, you must
12 find that the government has proven beyond a reasonable doubt
13 each of the following elements of the crime:

14 First, that the defendant solicited, and/or aided and
15 abetted the solicitation of, one or more political
16 contributions or donations of money;

17 Second, from a foreign national;

18 Third, the aggregate amount of such political
19 contributions or donations was \$25,000 or more in a calendar
20 year; and

21 Fourth, the defendant did so knowingly and willfully.

22 To "solicit" or "solicitation" means to ask, request,
23 or recommend, explicitly or implicitly, that another person
24 make a contribution, donation, transfer of funds, or otherwise
25 provide anything of value. A solicitation is an oral or

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1 written communication that, construed as reasonably understood
2 in the context in which it is made, contains a clear message
3 asking, requesting, or recommending that another person make a
4 contribution, donation, transfer of funds, or otherwise provide
5 anything of value. A solicitation may be made directly or
6 indirectly. The mere solicitation or requesting of a
7 contribution is just as much a violation of the statute as the
8 actual making or receipt of a contribution. It is not
9 necessary for the solicitation to actually succeed, or that a
10 contribution was actually made.

11 When you consider whether a defendant aided, abetted,
12 counseled, commanded, or induced the crime alleged in Count
13 Two, it is not necessary for the government to show that the
14 defendant himself actually committed the crime with which he is
15 charged in order for you to find the defendant guilty. Rather,
16 a defendant must have willfully and knowingly associated
17 himself in some way with the crime, and willfully and knowingly
18 sought by some act to help make the crime succeed.

19 The mere presence of a defendant where a crime is
20 being committed, even coupled with knowledge by the defendant
21 that a crime is being committed, or the mere acquiescence by a
22 defendant in the criminal conduct of others, even with guilty
23 knowledge, is not sufficient to establish aiding and abetting.
24 An aider or abettor must have some interest in the criminal
25 venture.

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1 In determining whether the defendant aided or abetted
2 the solicitation of one or more contributions or donations by a
3 foreign national, ask yourself these questions: Did he
4 participate in the crime charged as something he wished to
5 bring about? Did he knowingly and willfully associate himself
6 with the criminal venture? Did he seek by his actions to make
7 the criminal venture succeed? If the defendant did these
8 things, then he aided and abetted the solicitation of one or
9 more contributions or donations by a foreign national as
10 charged in Count Two, and is guilty of that offense. If, on
11 the other hand, your answer to any of these questions is "no,"
12 then the defendant is not an aider and abettor, and is not
13 guilty as an aider and abettor of that offense.

14 (Continued on next page)

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1 THE COURT: As I have already told you, contributions
2 and donations include, together, any deposit of money, gift,
3 loan, or advance made by any person for the purpose of
4 influencing any election for a federal, state, or local office.

5 As I mentioned already, the term foreign national
6 means an individual who is not a citizen of the United States
7 and who is not lawfully admitted for permanent residence.

8 To find that the government has proven the third
9 element, you must find that the total amount of contributions
10 and donations solicited from the foreign national in the
11 calendar year 2018 were equal to or exceeded \$25,000.

12 Finally, I've already instructed you on the meaning of
13 knowing and willfully, and you should apply those instructions
14 here.

15 Count Three charges the defendants, Lev Parnas and
16 Andrey Kukushkin, with aiding and abetting or making of one or
17 more political contributions or donations by a foreign
18 national.

19 Count Three reads, in relevant part, from in or about
20 June 2018 through at least in or about April 2019, in the
21 Southern District of New York and elsewhere, Lev Parnas and
22 Andrey Kukushkin, the defendants, knowingly and willfully aided
23 and abetted the making of a contribution, the making of
24 contributions and donations of money, and the making of express
25 and implied promises to making contributions and donations,

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1 directly and indirectly, by a foreign national in connection
2 with federal and state elections, aggregating \$25,000 and more
3 in a calendar year.

4 The relevant statutes covering this charge are Section
5 30121(a) of Title 52, and Section 2 of Title 18. Section
6 30121(a) states that it shall be unlawful for a foreign
7 national, directly or indirectly, to make a contribution or
8 donation of money or other thing of value or to make an express
9 or implied promise to make a contribution or donation in
10 connection with a federal, state, or local election. Section 2
11 of Title 18 makes it a crime to aid, abet, counsel, command,
12 induce, or procure such a crime.

13 In order to find defendant Lev Parnas and defendant
14 Andrey Kukushkin guilty of aiding and abetting of the making of
15 one or more contributions or donations by a foreign national as
16 charged in Count Three, you must find that the government has
17 proven beyond a reasonable doubt each of the following elements
18 of this crime. First, that a foreign national, directly or
19 indirectly, made one or more contributions and donations --
20 contributions or donations; second, the aggregate amount of
21 such contributions or donations was \$25,000 or more in a
22 calendar year; third, that the defendant aided, abetted,
23 counseled, commanded, or induced the foreign national in making
24 or to make one or more contributions or donations; fourth, the
25 defendant did so knowingly and willfully and with the intent to

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1 facilitate the crime of making contributions or donations by a
2 foreign national or to help it succeed.

3 I previously defined and explained the terms foreign
4 national, contributions, donations, calendar year, and the
5 \$25,000 aggregate amount requirement, and I instruct you to
6 refer back to my prior instructions. I've also previously
7 defined and explained what it means for a defendant to aid,
8 abet, counsel, command, or induce a crime and what it means for
9 a defendant to act knowingly and willfully. I again instruct
10 you to refer back to my prior instructions.

11 Count Four charges defendant Lev Parnas with
12 participating in a conspiracy with other individuals to make
13 political contributions in the names of persons other than the
14 true source of the funds, and/or to defraud the FEC.

15 Count Four reads, in relevant part, from in or about
16 March 2018 through at least in or about November of 2018, in
17 the Southern District of New York and elsewhere, Lev Parnas,
18 the defendant, knowingly conspired with others, known and
19 unknown, to knowingly and willfully make contributions to
20 candidates for federal office, joint fundraising committees,
21 and independent expenditure committees in the names of other
22 persons aggregating to \$25,000 and more in a calendar year in
23 violation of title 52 U.S. Code, sections 30122 and 30109, and
24 to knowingly defraud the United States by impairing,
25 obstructing, and defeating the lawful functions of a department

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1 or agency of the United States, to wit, the FEC's function to
2 administer federal law concerning source and amount
3 restrictions in federal elections, including the prohibitions
4 applicable to straw donors. The relevant statute covering this
5 charge is section 371 of Title 18 of the United States Code.

6 As I told you previously, that section states that it
7 shall be unlawful for two more persons to conspire, either to
8 commit any offense against the United States or to defraud the
9 United States or any agency thereof in any manner or for any
10 purpose, and for one or more of such persons to do any act to
11 effect the object of the conspiracy.

12 I've already instructed you on the elements of
13 conspiracy in connection with Count One, and you may refer to
14 those instructions about conspiracies.

15 To summarize, in order to find defendant Lev Parnas
16 guilty of the conspiracy charged in Count Four, you must find
17 that the government has proven beyond a reasonable doubt each
18 of the following three elements of the crime; first, that two
19 or more persons entered the unlawful agreement charged in Count
20 Four; second, that the defendant knowingly and willfully became
21 a member of the alleged conspiracy; third, that one of the
22 members of the conspiracy knowingly committed at least one
23 overt act in furtherance of the conspiracy.

24 As I told you previously, the object of a conspiracy
25 is its illegal goal. In Count Four, there are two objects or

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1 goals alleged. One, to make political contributions in the
2 name of a person other than the true source of the funds; two,
3 to defraud the FEC.

4 The first object of the conspiracy charged in Count
5 Four is the object of making a political contribution in the
6 name of another person. As I previously told you in connection
7 with Count One, in order to find that the defendant conspired
8 to violate that law, you must find that the government proved
9 beyond a reasonable doubt the defendant participated in a
10 conspiracy to, one, make one or more contributions; two, in the
11 name or names of one or more persons other than the true source
12 of the funds; three, with the aggregate amount of such
13 contributions being \$25,000 or more in a calendar year; and
14 four, that he did so knowingly.

15 I previously instructed you about the meaning of
16 contribution and I direct you to refer to those instructions
17 here.

18 As I previously explained, the phrase making a
19 contribution in the name of another means making a disguised
20 contribution through an intermediary or conduit by giving that
21 person the funds for the contribution. You should refer to my
22 full instructions about this phrase here.

23 In Count Four, the indictment alleges that three
24 contributions were illegal, conduit, or straw contributions.
25 One of those contributions is alleged to have been made in the

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1 name of an LLC, Global Energy Producers. For the two
2 contributions alleged to have been made in Parnas's name, you
3 should apply the instructions I previously gave you in
4 connection with Count One.

5 I will now say a few words about the application of
6 the conduit contribution prohibition to LLCs. That statute
7 states, in relevant part, that no person shall make a
8 contribution in the name of another person. Person means not
9 only an individual, but also a partnership, corporation, or
10 another organization, and therefore the law applies to closely
11 held corporations and corporate LLCs.

12 A contribution made in the name of a closely held
13 corporation or corporate LLC but paid for by another person is
14 an illegal conduit contribution where funds were intentionally
15 funneled through the entity for the purpose of obscuring the
16 source of the funds or evading the legal requirement that
17 contributions be reported accurately to the FEC.

18 You may consider circumstances such as whether the
19 corporate entity did not have income from assets, investment
20 earnings, business revenues or bonafide capital investments, or
21 was created and operated for the sole purpose of making
22 political contributions. Based on such circumstantial
23 evidence, you may conclude that the corporate entity is merely
24 a conduit and not the true source of the funds.

25 The second object of the conspiracy charged in Count

LALCpar8

Charge

1 Four is the object of defrauding the United States, and
2 specifically the FEC in violation of Section 371 of Title 18.

3 As I instructed you previously in connection with
4 Count One, a conspiracy to defraud the United States means if
5 the defendant and his alleged coconspirators are accused of
6 conspiring to impede, impair, obstruct, or defeat by fraudulent
7 or dishonest means, the lawful, regulatory, and enforcement
8 functions of an agency of the United States.

9 You should consult my prior instructions relating to a
10 conspiracy to defraud the United States. Those instructions
11 apply equally to Count Four.

12 If you find that the government has proven beyond a
13 reasonable doubt that the conspiracy charged in Count Four of
14 the indictment existed, then you must consider the second
15 element of this crime. The second element, the government must
16 prove beyond a reasonable doubt to establish the offense of
17 conspiracy is that the defendant knowingly, willfully, and
18 voluntarily became a member of the alleged conspiracy. I've
19 already instructed you on the meaning of knowingly, willfully,
20 and voluntarily becoming a member of a conspiracy as part of my
21 instructions on Count One.

22 Turning to the third element of the conspiracy charge,
23 the government must prove beyond a reasonable doubt that one of
24 the members of the alleged conspiracy or agreement knowingly
25 and willfully performed at least one overt act in furtherance

LALCpar8

Charge

1 of the objectives of the conspiracy and that this overt act was
2 performed during the existence or life of the conspiracy and
3 was done somehow to further the goals of the conspiracy or
4 agreement. As I've instructed you, the term overt act means
5 some type of outward objective action performed by one of the
6 members of the conspiracy that further the objectives of a
7 conspiracy.

8 The indictment alleges that the following overt acts,
9 each of which is one of the contributions alleged to have been
10 made illegally, were committed in the Southern District of New
11 York and elsewhere.

12 In or about May 2018, Igor Fruman and others, known
13 and unknown, obtained a private loan, the proceeds of which
14 were used to fund a \$325,000 contribution made by Parnas to a
15 joint fundraising committee, America First Action PAC. Parnas
16 caused the contribution to America First Action PAC to be
17 falsely reported in the name of Global Energy Producers.

18 In our about June 2018, Parnas made an \$11,000
19 contribution to a joint fundraising committee, Protect the
20 House, using funds that belonged to Fruman and another
21 individual.

22 In or about June 2018, Parnas used a business credit
23 card registered to a credit card account belonging to Fruman
24 and another individual in order to make a maximum \$2,700
25 contribution to the reelection campaign of then sitting U.S.

LALCpar8

Charge

1 Congressman Pete Sessions.

2 As I told you previously, in order for the government
3 to satisfy this element, it is not required that all of the
4 overt acts alleged in the indictment or even any of the overt
5 acts contained in the indictment be proven. However, you must
6 unanimously agree that some overt act was committed, although
7 you do not have to agree on which act.

8 Count Five charges defendant Lev Parnas with making
9 false statements to the FEC in an affidavit. Count Five reads,
10 in relevant part, in or about October 2018, in the Southern
11 District of New York and elsewhere, Lev Parnas, the defendant,
12 willfully and knowingly did make materially false, fictitious
13 and fraudulent statements and representations in a matter
14 within the jurisdiction of the executive branch of the
15 Government of the United States, to wit, Parnas made materially
16 false statements in an affidavit submitted to the FEC that,
17 quote, a \$325,000 contribution to America First Action PAC was
18 made with Global Energy Producers' funds for Global Energy
19 Producers' purposes, and that Global Energy Producers is a real
20 business enterprise funded with substantial bonafide capital
21 investment, its major purpose is energy trading, not political
22 activity, and, quote, and that a contribution made by Parnas on
23 or about June 25th, 2018 to Congressman Pete Sessions' campaign
24 for reelection, quote, was made with a business credit card
25 which Parnas reimbursed, end quote.

LALCpar8

Charge

1 The relevant statute governing this charge is section
2 1001(a)(2) of Title 18 of the U.S. Code. That section states
3 that, quote, who ever in any matter within the jurisdiction of
4 the executive, legislative, or judicial branch of the
5 government of the United States knowingly and willfully makes
6 any materially false, fictitious, or fraudulent statement or
7 representation, end quote, shall be guilty of a crime.

8 In order to find defendant Lev Parnas guilty of making
9 false statements to the FEC as charged in Count Five, you must
10 find the government has proven each of the following elements
11 beyond a reasonable doubt. First, that the defendant made a
12 statement that was false, fictitious, or fraudulent; second
13 that the statement was material; third that the defendant acted
14 knowingly and willfully; and fourth, that the statement
15 pertained to a matter within the jurisdiction of the executive,
16 legislative, or judicial branch of the United States
17 Government.

18 Now I will give you more detailed instructions on some
19 of these terms.

20 As to the first element, the government need not prove
21 that the defendant physically made or otherwise personally
22 prepared the statement in question. It is sufficient if the
23 defendant caused the statement charged in the indictment to
24 have been made. A statement is false or fictitious if it was
25 untrue when it was made, and the defendant knew it was untrue

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Charge

1 at the time. A statement is fraudulent if it was untrue when
2 it was made, the defendant knew it was untrue at the time, and
3 the defendant intended to deceive.

4 The indictment alleges that Parnas made two false
5 statements in his FEC affidavit. First, that the \$325,000
6 contribution to the America First Action PAC was made with
7 Global Energy Producers' funds and that the company was a real
8 business with substantial bonafide capital investment; and
9 second, that the contribution made by Parnas to Congressman
10 Pete Sessions was made with a business credit card, which was
11 reimbursed by Parnas. It is not necessary for the government
12 to prove that both statements constituted a materially false
13 statement. The government satisfies its burden if it proves
14 beyond a reasonable doubt that one of the factual statements
15 specified in Count Five was such a statement. However, you may
16 not find the defendant guilty on Count Five unless you all
17 agree unanimously as to which of the specified statements
18 constituted a material false statement or that both did.

19 As to the second element, a material statement or
20 representation is one that has the natural tendency to
21 influence or is capable of influencing a decision or a function
22 of a government agency, including the FEC. However, proof that
23 the FEC actually relied on the statement is not required. An
24 act is done knowingly and willfully if one acts knowingly and
25 intentionally with the intent to do something the law forbids,

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Charge

1 that is to say with bad purpose to either disobey or disregard
2 the law. A matter is within the jurisdiction of the executive
3 branch of the United States Government if, for example, the FEC
4 has the power to exercise authority in that matter.

5 Count Six charges defendant, Lev Parnas, with
6 falsification of records. It reads, in or about October 2018,
7 in the Southern District of New York and elsewhere, Lev Parnas,
8 the defendant, willfully and knowingly did falsify and make a
9 false entry in a record and document with the intent to impede,
10 obstruct, or influence the investigation or proper
11 administration within a matter within the jurisdiction of any
12 department or agency of the United States and in relation to
13 and in contemplation of any such matter, to wit, Parnas made
14 materially false statements in an affidavit submitted to the
15 FEC, including that, quote, a \$325,000 contribution to America
16 First Action PAC was made with Global Energy Producers' funds
17 for Global Energy Producers' purposes, and that Global Energy
18 Producers is a real business enterprise funded with substantial
19 bonafide capital purpose. Its major purpose is energy trading
20 and not political activity, end quote, and that a contribution
21 made by Parnas on or about June 25th, 2018 to Congressman Pete
22 Sessions's campaign for reelection, quote, was made with a
23 business credit card, which Parnas reimbursed, end quote, with
24 the intent to impede, obstruct, or influence the investigation
25 and proper administration of a matter within the jurisdiction

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Charge

1 of the FEC.

2 The relevant statute covering this charge is Section
3 1519 of Title 18. That section states that, quote, whoever
4 knowingly alters, destroys, mutilates, conceals, covers up,
5 falsifies or makes a false entry in any record, document, or
6 tangible object with the intent to impede, obstruct, or
7 influence the investigation or proper administration of any
8 matter within the jurisdiction of any department or agency of
9 the United States or in relation to or contemplation of any
10 such matter or case shall be guilty of a crime.

11 In order to find defendant, Lev Parnas, guilty of
12 falsification of records as charged in Count Six, you must find
13 that the government has proven beyond a reasonable doubt each
14 of the following elements of the crime. First, that the
15 defendant falsified or made a false entry in a record or
16 document; second, that the defendant acted knowingly; third,
17 that the defendant acted with the intent to impede, obstruct,
18 or influence a matter within the jurisdiction of or in relation
19 to or in contemplation of a department or agency of the United
20 States.

21 Now I will give you more detailed instructions on some
22 of those terms.

23 The first element that the government must prove is
24 that the defendant falsified a record, here an affidavit
25 submitted to the FEC. Falsifying a record means knowingly

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Charge

1 included within the record any untrue statement of fact or
2 knowingly omitting from the record any fact that is necessary
3 to make the facts that are included not misleading. Falsify,
4 therefore, does not only mean tampering with the preexisting
5 record, but can include the creation of a new record.

6 The indictment alleges that Parnas made two false
7 entries in his FEC affidavit. First, that the \$325,000
8 contribution to America First Action PAC was made with Global
9 Energy Producers' funds and that the company was a real
10 business with substantial bonafide capital investment; and
11 second, that the contribution made by Parnas to Congressman
12 Sessions was made with a business credit card which was
13 reimbursed by Parnas.

14 It is not necessary for the government to prove that
15 both statements in the affidavit constituted false entries.
16 The government satisfies its burden if it proves beyond a
17 reasonable doubt that one of the alleged false entries
18 specified in Count Six was a false entry. However, you may not
19 find the defendant guilty on Count Six unless you all agree,
20 unanimously, as to which of the false entries was false or that
21 both were false.

22 As for the second element, a person acts knowingly if
23 he acts intentionally and voluntarily and not because of
24 ignorance or mistake, accident, or carelessness. Whether the
25 defendant acted knowingly may be proven by the defendant's

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Charge

1 conduct and by all of the facts and circumstances surrounding
2 the matter.

3 The third element the government must prove beyond a
4 reasonable doubt is if the defendant acted with the intent to
5 impede, obstruct, or influence a matter within the jurisdiction
6 of or in relation to or in contemplation of a department or
7 agency of the U.S. Government, here the FEC.

8 The government is not required to prove the defendant
9 knew his conduct would obstruct the federal matter or that a
10 federal investigation would take place, or that he knew of the
11 limits of federal jurisdiction. However, the government is
12 required to prove that the defendant intended to impede,
13 obstruct, or influence -- sorry. However, the government is
14 required to prove that the matter that the defendant intended
15 to impede, obstruct, or influence did, in fact, concern a
16 matter within the jurisdiction of an agency of the United
17 States.

18 In addition to all the elements that I've described
19 for you, you must separately decide whether an act in
20 furtherance of each alleged crime occurred within the Southern
21 District of New York. The Southern District of New York
22 includes Manhattan, the Bronx, and Westchester. This
23 requirement is called venue. The parties have stipulated that
24 this element has been met.

25 Mr. Parnas and Kukushkin have several theories of

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1 defense that may be helpful to you as you examine the evidence.
2 It is important to keep in mind that despite these explanations
3 of the defendants' respective views of the government's
4 evidence, the burden always remains on the government to prove
5 each and every charge. The defendants do not need to prove
6 anything.

7 By explaining their defenses, the defendants are in no
8 way assuming that burden. As I said, these types of
9 instructions are simply meant to provide you with the
10 defendants' viewpoint.

11 Mr. Parnas asserts he did not knowingly and willfully
12 violate the federal election and campaign laws that have been
13 charged against him. He asserts that he did not participate in
14 the charged conspiracy to make contributions by a foreign
15 national, nor the solicitation of a contribution or making of a
16 contribution by a foreign national. Mr. Parnas further asserts
17 that he did not conspire to make contributions in the name of
18 another, nor did the government prove beyond a reasonable doubt
19 that he made materially false statements to the FEC or
20 falsified an official record.

21 Mr. Kukushkin denies the government's allegations and
22 maintains that at the time Mr. Parnas, Mr. Fruman, and GEP made
23 contributions, there was no agreement among them to make
24 contributions by a foreign national or straw donor, or to
25 defraud the FEC.

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1 Mr. Kukushkin further maintains that he was unaware
2 that Mr. Parnas, Mr. Fruman, and GEP were making the political
3 contributions and donations at the time they were made.

4 Mr. Kukushkin also maintains that even if he had
5 believed that Mr. Parnas and Mr. Fruman intended to make
6 contributions by a foreign national or a straw donor or to
7 defraud the FEC, he did not knowingly or willfully enter into
8 any agreement with them to make such contributions or to
9 defraud the FEC since he had no knowledge of the unlawful
10 nature of any such agreement.

11 Mr. Kukushkin further maintains that even if he had
12 believed Mr. Parnas and Mr. Fruman intended to make
13 contributions by a foreign national or a straw donor, that they
14 were only pretending, unless there was no agreement with them.

15 Finally, Mr. Kukushkin maintains that none of the
16 contributions made by Mr. Parnas, Mr. Fruman, and GEP between
17 June 2018 and November 1st, 2018, including the Laxalt and
18 Duncan contributions, were by a foreign national.

19 Now, that completes my substantive instructions. Your
20 function will now be to weigh the evidence in this case and to
21 determine the guilt or lack of guilt of the defendants with
22 respect to the charges in the indictment. I apologize that
23 I've kept you this late, but we're just about done.

24 You must base your verdict solely on the evidence and
25 instructions on the law, and you are obliged on your oath as

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Charge

1 jurors to follow the law as I instruct you, whether you agree
2 or disagree with the particular law in question.

3 Your verdict must be unanimous. That means each and
4 every one of you must agree upon your verdict. Each juror is
5 entitled to his or her opinion, but you are required to
6 exchange views with your fellow jurors. That is the essence of
7 jury deliberation.

8 It is your duty to consult with one another and to
9 deliberate with a view to reaching agreement. If you start
10 with one point of view, but after reasoning with other jurors
11 it appears that your own judgment is open to question, then, of
12 course, you should not hesitate in yielding your original point
13 of view if you are convinced that the opposite point of view is
14 the one that truly satisfies your judgment and conscience.

15 You are not to surrender a view of the case that you
16 conscientiously believe merely because you are outnumbered or
17 because other jurors appear firmly committed to their views.
18 You should vote with the others only if you are convinced on
19 the evidence, the facts, and the law, that it is the correct
20 way to decide the case.

21 In sum, you, the jury, must deliberate as a body, but
22 each of you as an individual juror must discuss and weigh your
23 opinions dispassionately and adopt that conclusion, which, in
24 your good conscience, appears in accordance with the truth. No
25 juror should surrender his or her conscientious beliefs solely

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Charge

1 for the purpose of returning a unanimous verdict.

2 I instruct you that you are not to discuss the case
3 unless all jurors are present. Four or five or ten jurors or
4 eleven jurors together are only a gathering of individuals.
5 Only when all jurors are present do you constitute a jury and
6 only then may you deliberate.

7 Remember at all times, you are not partisans, you are
8 judges, judges of the facts. Your sole interest is impartially
9 to assess the evidence to determine whether the government has
10 met its burden of proving guilt beyond a reasonable doubt as to
11 each of the charges and each of the defendants.

12 If you are divided, do not report how the vote stands.
13 Simply state that you are divided. If you have reached a
14 verdict, do not report what it is until you are asked to do so
15 in open court. Simply inform me through a note that you've
16 reached a verdict.

17 You are about to go into the jury room and begin your
18 deliberations. I realize you may be going home shortly, but in
19 the morning, you'll come back to begin your deliberations.

20 The exhibits that were received in evidence will be
21 provided to you in the jury room. In addition to paper copies
22 of many exhibits, you'll be provided with a laptop that
23 contains the exhibits that could not be presented in hardcopy.
24 I actually think all the exhibits will be on a laptop as
25 opposed to hardcopy, but you'll all be able to view them on a

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Charge

1 screen. You'll be given an exhibit list that will explain
2 which exhibits can be accessed on the laptop.

3 If you want any of the testimony to review, you may
4 request that. It's not always easy to locate exactly what you
5 might want, but please be as specific as possible and I can
6 provide you copies of any testimony.

7 If you want any further explanation of the law as I've
8 explained it, you may also request that. Your request for
9 testimony, and, in fact, any communication with the Court,
10 should be made in writing, signed by the foreperson, and given
11 to the marshal or deputy clerk which will then be given to me.
12 In any event, do not tell me or anyone else how the jury stands
13 on any issue or whether there is a unanimous verdict.

14 If you took notes during the trial, those notes are
15 only an aid to recollection, they're not evidence, nor are they
16 a substitute for your recollection of the evidence. Your notes
17 are not entitled to any greater weight than your actual
18 recollection or the impression of each juror as to what the
19 evidence actually is. I emphasize that if you took notes, you
20 should not show your notes to other jurors during your
21 deliberations. They're only for yourself. If you did not take
22 notes during the trial, you should not be influenced by the
23 notes of another juror and instead should rely on your own
24 recollection of the evidence. And the fact that a particular
25 juror has taken notes does not entitle that juror's views to

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Charge

1 any greater weight.

2 I've prepared a verdict form for you to use in
3 recording your decision. Please use that form to report your
4 verdict. Your verdict form does not represent evidence or
5 instructions on the law.

6 As you start deliberations, you must choose a
7 foreperson, which you can either do this evening before you
8 leave or first thing in the morning. The foreperson does not
9 have any more power or authority than any other juror, and his
10 or her vote or opinion does not count for any more than any
11 other juror's. The foreperson is simply the spokesperson to
12 the Court. He or she will send out any notes, and when the
13 jury has reached a verdict, he or she will notify the marshal
14 that the jury has reached a verdict and you'll come to open
15 court to give the verdict.

16 After you've reached the unanimous verdict, your
17 foreperson will fill in the form, the verdict form, sign and
18 date it, and advise the marshal outside your door that you're
19 ready to return to the courtroom.

20 I stress that each one of you must be in agreement
21 with the verdict that is announced in court. Once your verdict
22 is announced in open court and officially recorded, it cannot
23 ordinarily be revoked.

24 I remind you that you took an oath to render judgment
25 impartially and fairly without prejudice or sympathy solely

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Charge

1 upon the evidence in the case and the applicable law. I'm sure
2 that if you follow your oath, listen to the views of your
3 fellow jurors, and apply your common sense, you will reach a
4 fair verdict here. Remember that your verdict must be rendered
5 without fear, without favor, and without prejudice or sympathy.

6 Do any of the lawyers need to speak about anything at
7 sidebar?

8 MR. BONDY: No, your Honor.

9 MR. ROOS: No.

10 THE COURT: This concludes my instructions to you.

11 Before you retire to the jury room, I must inform you
12 that the law provides for a jury of twelve people. Therefore,
13 two people, jurors 13 and 14 in the back row are alternates.
14 You will be allowed to leave the courthouse during
15 deliberations. So I'm going to ask you to leave first, but I
16 want to say that I'm not yet excusing you as jurors in the
17 case. In the event that one of the non-alternate jurors can no
18 longer deliberate, you will be recalled. So you're not yet
19 released, but you are going to leave and I'm not going to need
20 you to come back tomorrow unless we'll contact you and tell you
21 that you need to come back.

22 I'm releasing you for now, but again, I'm not
23 completely excusing you. You've been very attentive and very
24 patient. I'm sorry that the two alternates will not be allowed
25 to deliberate, most likely, unless you're called back.

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Charge

1 I'm going to ask the alternates as you leave not to
2 discuss the case for the next few days. We'll contact you when
3 it's over and you'll know then you can discuss the case.
4 Again, we might have to call you back since you've heard all
5 the evidence if there is an issue that comes up with one of the
6 other jurors.

7 That completes my instructions. Since it's the end of
8 the day, I'm going to ask you to come back to start at 9:30.
9 Before you start deliberating, I'll bring you out and tell you
10 when you start. So as soon as you're all here, we'll come back
11 to court and you can begin your deliberations. Thanks,
12 everyone.

13 And, again, you're not deliberating tonight. You can
14 actually take your pads back to the jury room now and in the
15 morning you'll be able to begin deliberating, but not until all
16 of you are present.

17 Again, no research on the case, no deliberations with
18 anyone else about the case, no discussion of the case, and you
19 will begin your deliberations I assume tomorrow after you've
20 picked a foreperson. When you do pick a foreperson, send out a
21 note just saying so and so, juror number X is the foreperson.

22 Thanks, everyone. Have a goodnight.

23 (Adjourned to October 22, 2021 at 9:30 a.m.)

24 * * *

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Charge

GOVERNMENT EXHIBITS

Exhibit No.	Received
602 and 6031295

DEFENDANT EXHIBITS

Exhibit No.	Received
A3, A4, A5, A6, A6A and SD41295
B51295
S12 and G11297